5X
e
128

SELECTIONS FROM THE RECORDS OF THE BOMBAY GOVERNMENT.

No. XXIX.—New Series.

CORRESPONDENCE

REGARDING THE

CONCEALMENT BY THE HEREDITARY OFFICERS AND OTHERS

OF THE

Revenue Records of the Former Government,

AND THE

REMEDIAL MEASURES IN PROGRESS.

00110127

GOD
383.122
Sel
110127

Bombay:
PRINTED FOR GOVERNMENT
AT THE
BOMBAY EDUCATION SOCIETY'S PRESS.

1856.

Price Eight Annas.

BOMBAY BRANCH
OF THE
Royal Asiatic Society.

00110127

Digitized with financial assistance from

H T Parekh
FOUNDATION

An Initiative by
HDFC
WITH YOU, RIGHT THROUGH

on 27 November, 2018

SELECTIONS FROM THE RECORDS OF THE BOMBAY GOVERNMENT.

No. XXIX.—New Series.

CORRESPONDENCE

REGARDING THE

CONCEALMENT BY THE HEREDITARY OFFICERS AND OTHERS

OF THE

Revenue Records of the Former Government,

AND THE

REMEDIAL MEASURES IN PROGRESS.

Bombay:

PRINTED FOR GOVERNMENT

AT THE

BOMBAY EDUCATION SOCIETY'S PRESS.

1856.

CONTENTS.

	PAGES
Letter from the Assistant Inam Commissioner, mentioning a glaring case of withholding of accounts of the revenue management of the former Government	1 — 20
Resolution of Government thereon	20 — 22
Government letter, requiring the Inam Commissioner to submit a report on the general subject	22
Inam Commissioner's Report	23 — 48
Minute by the Right Honorable the Governor, subscribed by the Civil Members of Government	48 — 50
Further Minute by the Right Honorable the Governor	50, 51
Ditto ditto by the Honorable Mr. Lumsden	51
Orders of the Honorable the Court of Directors	51, 52
Government to the Legal Remembrancer, directing the preparation of a Draft Act	52
Reply from Legal Remembrancer, forwarding Draft Act	52, 53
Draft Act	53 — 55
Despatch from the Government of Bombay to the Honorable Court of Directors	55, 56

REVENUE RECORDS OF THE PESHWA'S GOVERNMENT.

No. 163 of 1854.

From Captain T. A. Cowper,
Assistant Inam Commissioner,

To C. J. Manson, Esq.,
Inam Commissioner.

Dated at Deoghur, Poona Districts, 25th March 1854.

Sir,—I have the honour, under the instructions noted in the margin, to report upon the Surinjam of the Nuggurkur family, entered as No. 26 of Class II. and No. 21 of Class III. in the Revised Lists of Surinjams submitted to Government by the Agent for Sirdars, Mr. Brown, on the 26th October 1847.

Government order in the Political Department, No. 3673, of the 18th August 1853, and Inam Commissioner's letter No. 2415, of the 22nd idem, the accompaniments to which are herewith returned.

2. The entry regarding this Surinjam in the memorandum prepared by Mr. Elphinstone's Secretary, Mr. McDonnell, is below extracted :—

"No. 38. Ramchunder Mahadeo Nuggurkur Exd.

"*Ahmednuggur.*

Kusba Kanoor, Purguna Parnair .....Rs. 8,400

"*Hyderabad.*

1 chahoor of land in Moujé Soorégaum, Purguna Gandapoor .. 195

"*Poona.*

3½ khundies of land in Moujé Kotroor, Turuf Kuryat Mawul.. 100

Grand Total Jagheer.... Rs. 8,695

"INAM.

"*Ahmednuggur.*

100 beegas of land in Kusba Kanoor, Purguna Parnair ..Rs.	150	0	0
In the Turuf Nuggur Havélly.....	119	0	0
Total in Ahmednuggur....Rs.	340	0	0

"*Konkun.*

Land in Moujé Ambarry, Turuf Pavus, Talooka Rutnagherry. ....Rs.	274	4	0
Grand Total Inam....Rs.	614	4	0

"38. This man has not given in any statement; he is in confinement with Robertson as a revenue defaulter. You give a very bad character of him in your notes. The nephew has returned from Benares and claims his share. Bajee Rao's last Sunud is in Ramchunder Mahadeo's name, in consequence of which it is said Captain Pottinger has continued it to him. The nephews, Neelkunt Rao Yeshwunt and Narayen Rao Yeshwunt, state that they left Benares in consequence of hearing that their share was restored to them; what they had collected on their account prior to Captain Pottinger's last order they are now called on to refund by Ramchunder Mahadeo. By the district accounts the collections in 1226 from Kanoor amounted to Rs. 5,910-12½. Bajee Rao's last Sunud is dated ten years ago."

3. In the lists of Surinjams proposed to be continued, which Mr. Elphinstone subsequently forwarded to the Government of India on the 25th October 1819, this holding was entered as No. 35 in the Class of Mootsudees (A), as shown below :—

Number.	Name.	Class.	Remarks.	Decision.	Total Amount of the Jagheer as it stood at the breaking out of the War.	Number of Years in possession.	Jagheer, or Yearly Allowance to be continued.			For what period recommended.
							Kumal, or greatest recorded Collection.	Estimated real Value at present.	Pecuniary Pension.	
					Rs. a.		Rs. a.	Rs. a.		
35	Ramchunder Mahadeo.	A	A man of a very respectable family. Hewas a great Mamlutdar in Bajee Rao's time, & acquired his favour by disreputable acts. He promised to give up several forts, broke his faith, and is now in prison at Waee. His nephew, who is at Benares, has a claim tothese lands. A good deal of his property was plundered at Singhur. He is a revenue defaulter.	The Jagheer to be divided according to the legal shares, as it would have been had Bajee Rao's last Sunud never been issued, between him and his nephew.	8,695 0	41	8,695 0	6,205 12½	..	Hereditary.

4. In the register of restored Surinjams which Mr. Elphinstone's successor, Mr. Chaplin, submitted to the Bombay Government on the 28th October 1822, this Surinjam was shown to have been actually restored, in equal shares, to Neelkunt Rao Yeshwunt and Ramchunder Mahadeo; the entry is below extracted :—

Number.	As per Lists sent to Calcutta.	Amount. Kumal.	Amount. Akar estimated Value.	Nemnook, or Pecuniary Allowance.	Restored to the undernamed individuals, who were the actual Incumbents, and are either the same as those named in the original Lists or their immediate Relations, as explained below.	Amount. Kumal.	Amount. Akar present Produce.	Nemnook, or Pecuniary Allowance.	Remarks.
		Rs. a.	Rs. a.			Rs. a.	Rs. a.		
35	Ramchunder Mahadeo Nuggurkur.	8,695 0	6,205 12½	..	Neelkunt Rao Yeshwunt Nuggurkur, Kumal 4,347-8, Akar 3,566-9⅜. Ramchunder Mahadeo Nuggurkur, Kumal 4,347-8, Akar 3,566-0¾.	8,695 0	7,132 1½	...	Divided between the brothers.

5. The division of the Surinjam into two parts is shown by a Murathee List, prepared in the Deccan Commissioner's Office, and generally designated the "Jaree Putt," to have been made by Mr. Chaplin, as shown below :—

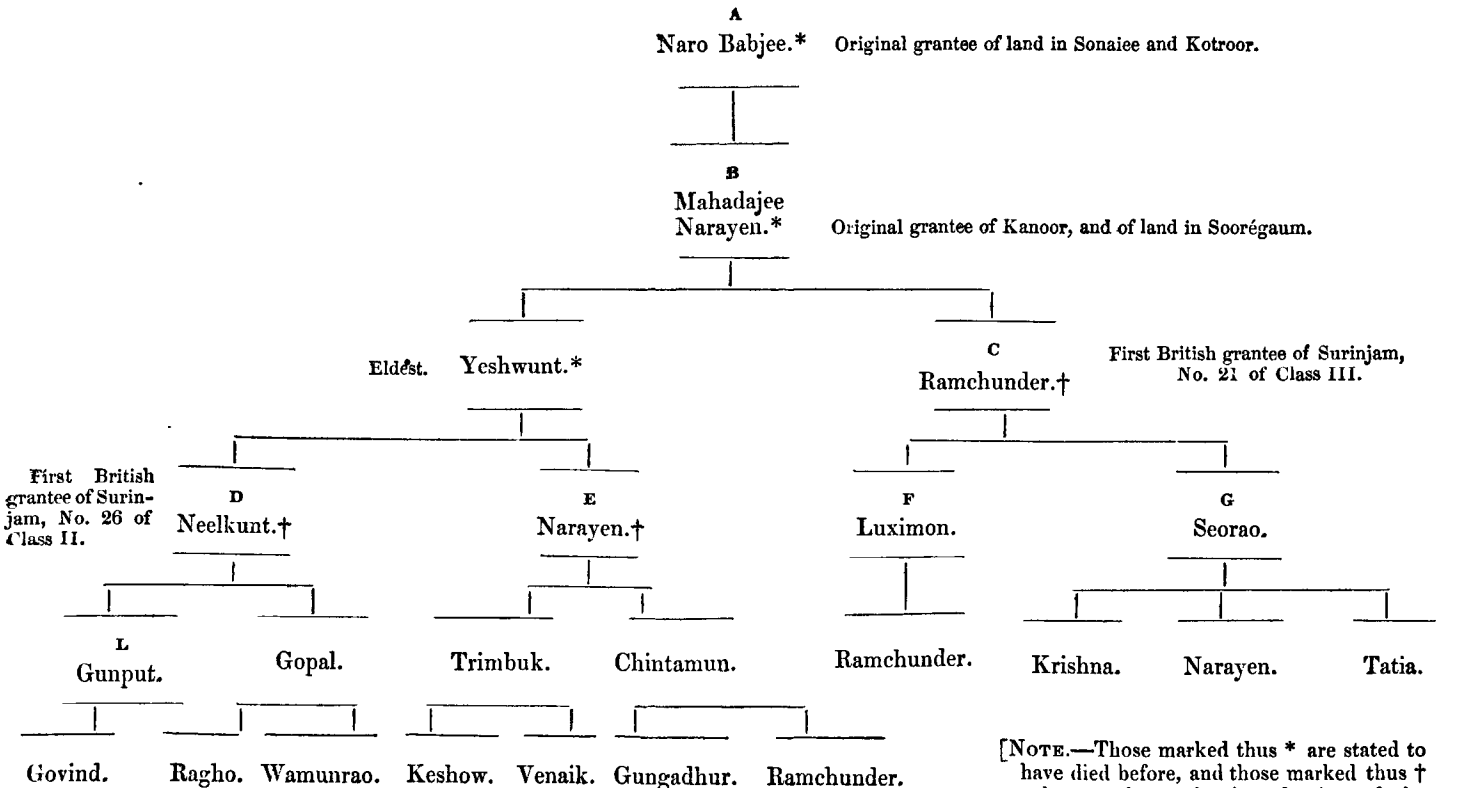
To Neelkunt Rao Yeshwunt Nuggurkur,—

One-half of the revenues of the village of Kanoor, exclusive of the Mokassa, Sahotra, Surdeshmookhee, Surpatelkee, and transit duties	Rs.	4,200	0 0
Half a chahoor of land in the village of Soorégaum, Purguna Gandapoor		97	8 0
One and three-quarters of a khundy of land in the village of Kotroor, Turuf Kuryat Mawul.....		50	0 0
Total	Rs.	4,347	8 0

To Ramchunder Mahadeo Nuggurkur,—

Precisely the same as the above	Rs.	4,347	8 0

6. The following genealogical table has been now furnished by the family.



[NOTE.—Those marked thus * are stated to have died before, and those marked thus † subsequently to the introduction of the British Government.]

7. The entry of this holding as No. 28 in the class of "Surinjams granted between the death of Madhow Rao the Great and the execution of the Treaty of Bassein," in the lists dated the 3rd January 1834 prepared by the Deputy Agent for Sirdars, Mr. J. Warden, is below extracted :—

Number.	Names of the Present Incumbents.	Date of Original Grant.	Estimated real Value.	Reasons for making the Grant, as recorded by the Sole Commissioner in the Deccan.	Remarks.
			Rs. q. r.		
28	Neelkunt Rao Yeshwunt, & Luximon Rao Ramchunder Nuggurkur.	A. D. 1779	7,132 0 38	A man of very respectable family. He was a great Mamlutdar in Bajee Rao's time, and acquired his favour by disreputable acts. He promised to give up several forts, and broke his faith, and is now in prison at Waee. His nephew, who is at Benares, has a claim to these lands. A good deal of his property was plundered at Singhur. He is a revenue defaulter. The Jagheer to be divided according to the legal shares, as it would have been had Bajee Rao's last Sunud never been issued, between him and his nephew.	

8. On the revision shortly afterwards by the Agent, Mr. Marriott, of his Deputy's lists, no alteration was made in regard to this Surinjam, excepting that the number became 35, and the class in which it was entered was described to be that of "ancient Surinjams, granted before or during the reign of the Peshwa called in the Deccan Madhow Rao the Great, or otherwise entitled to equal consideration."

9. In the lists submitted by the Agent, Mr. Mills, on the 23rd October 1840, this Surinjam became No. 38 of Class I., the entry in Mr. Marriott's lists being preserved, with the additional remark,—"The estate was continued to Neelkunt Rao and Luximon Rao before the late Agent's statement was submitted to Government."

10. In the lists prepared and submitted to Government on the 29th December 1844 by the Agent for Sirdars, Mr. Warden, the half Surinjam, which at the introduction of the British Government had been continued to Neelkunt Rao Yeshwunt, was entered, as shown below, as No. 4 in Class II. of Surinjams "to be held for one generation after the death of the present incumbents."

Number.	Name of the Original Grantee.	Name of the Present Incumbent.	Soobhas in which the Surinjam is situated.	Names of the Villages comprising the Surinjam.	Estimated Annual Value of each Village.	Date of Original Grant, as ascertained from Sunuds and Records.	Age of the Original Incumbent.	Annual Private Income of the Incumbent.	The Names and Ages of the Incumbent's Legitimate Male Issue.	The Tenure.	Remarks.
					Rs. a. p.			Rs. a. p.			
4	Mahadajee Narayen Nuggurkur.	Neelkunt Rao Yeshwunt Nuggurkur.	Poona	Land in the village Kotroor.	50 0 0	A. D. 1779	54 years.	410 0 0	Gunput Rao, 21 years; & GopalRao 16 years.	The Surinjam to be continued to the next generation, and a pension equal to half the net proceeds to be given to the generation next succeeding.	
			Ahmednuggur ..	Half of Kanhoor	4,099 13 0						
				Total..	4,149 13 0						

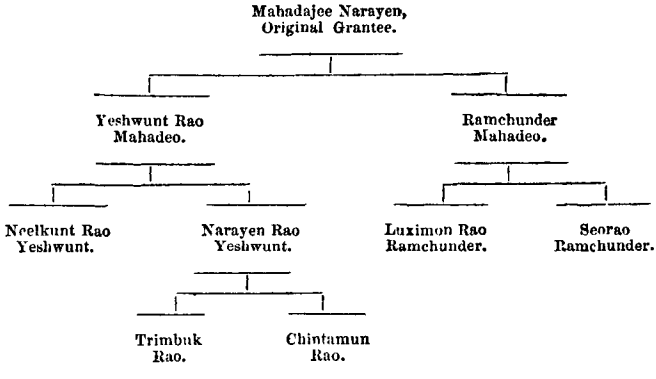
11. The other half of the Surinjam, which at the introduction of the British Government had been continued to Ramchunder Mahadeo, was entered in the lists of 1844, as shown below, as No. 3 in Class III. of Surinjams "to be resumed on the death of the present incumbents" :—

Number.	Name of the Original Grantee.	Name of the Present Incumbent.	Soobhas in which the Surinjam is situated.	Names of the Villages comprising the Surinjam.	Estimated Annual Value of each Village.	Date of Original Grant, as ascertained from Sunuds and Records.	Age of the Present Incumbent.	Annual Private Income of the Incumbent.	The Names and Ages of the Incumbent's Legitimate Male Issue.	The Tenure.	Remarks.
					Rs. a. p.			Rs. a. p.			
3	Mahadajee Narayen Nuggurkur.	Seorao Ramchunder, and Luximon Rao Ramchunder.	Poona.....	Land in the village of Kotroor.	50 0 0	A. D. 1779	37 years.	410 0 0	Krishn Rao, 4 years.	For life, and the amount of half the net proceeds to the heir as pension.	See No. 21 of List No. 5.
			Ahmednuggur..	Half of Kanhoor.....	4,099 13 0	....	47 years.	....	Ramchunder Rao, 20 years.		
				Total..	4,149 13 0						

12. In the revised lists submitted by the Agent for Sirdars, Mr. Brown, on the 26th October 1847, the half of the Surinjam, which at the introduction of the British Government was continued to Neelkunt Rao Yeshwunt, was entered, as shown on the two following pages, as No. 26 of Class II.

Statement

Number.	Name of Original Grantee.	Name of the Incumbent who was in possession of the Surinjam at the time of the Conquest.	Name of Present Incumbent, and whether the first or second British Grantee.	No. in the List prepared in A. D 1834.	Soobhas in which the Surinjam is situated.	Names of the Villages comprising the Surinjam.	Estimated Annual Value of each Village, agreeably to the Collector's signed Memoranda.	Date of Original Grant, as ascertained from Sunuds and Records.	Age of the Present Incumbent.	Annual Private Income of the Incumbent.	The Names and Ages of the Incumbent's Legitimate Male Issue.
1	2	3	4	5	6	7	8	9	10	11	12
							Rs. a. p.	A. D.		Rs. a. p.	
26	Mahadajee Narayen Nuggurkur.	Neelkunt Rao Yeshwunt Nuggurkur.	Neelkunt Rao Yeshwunt Nuggurkur, first British grantee.	No. 35 of Class I.	Poona	Land in the village of Kotroor.	50 0 0	1779	54 years	410 0 0	Gunput Rao, 21 years; & Gopal Rao, 16 years.
					Ahmednuggur.	Half of Kanhoor.	4,099 13 0				
						Total..	4,149 13 0				

Whether the Surinjam has been continued beyond the Second Generation from the Conquest.	The Tenure.	Reasons for making the Grant, as recorded by Mr. Elphinstone, when Sole Commissioner in the Deccan.	Remarks.
13	14	15	16
No.	The Surinjam to be continued to the second, and the prescribed pension granted to the third, generation.	Class Mootsudees, No. 38. A man of a very respectable family. He was a great Mamlutdar in Bajee Rao's time, & acquired his favour by disreputable acts. He promised to give up several forts, and broke his faith, and is now in prison at Waee. His nephew, who is at Benares, has a claim to these lands. A good deal of his property was plundered at Singhur. He is a revenue defaulter. The Jagheer to be divided according to the legal shares, as it would have been had Bajee Rao's last Sunud never been issued, between him and his nephew. Hereditary.	The Chor Chittee (deed of release), dated A. D. 1819, is in the names of Ramchunder Mahadeo and Neelkunt Rao Yeshwunt, as co-sharers of this Surinjam. The name of the former is entered in Mr. Elphinstone's List No. 38, Class Mootsudees. He is dead. His sons' names, Luximon Rao Ramchunder and Seorao Ramchunder, are entered in No. 21 of Class III., and they are consequently the second British grantees. Neelkunt Rao Yeshwunt, whose name is recorded in this list, is the first British grantee. The following detailed circumstances will show the relative co-sharers in this Surinjam :—  1. This Surinjam was originally acquired by Mahadajee Narayen, and on the accession of the British power a Chor Chittee for the release of the Surinjam was granted in the names of the co-sharers Ramchunder Mahadeo and Neelkunt Rao Yeshwunt, they being the two surviving senior members of the two branches of the family. Subsequently, on the death of Ramchunder Mahadeo, the Surinjam was resumed, and restored to his two sons Luximon Rao and Seorao by Mr. Chaplin, on the 10th July 1825, whose names are entered in No. 21 of Class III. of these statements. 2. Narayen Rao Yeshwunt died at the time of the conquest, and his two sons Trimbuk Rao and Chintamun Rao being infants, their names were not entered in the Chor Chittee of the Surinjam; but they have enjoyed their respective shares in the Surinjam from the date of the Chor Chittee. 3. Under these circumstances, it would appear that this Surinjam is respectively enjoyed by the whole family, and consequently a moiety of that portion of the Surinjam for which a Chor Chittee was granted to Neelkunt Rao Yeshwunt justly belongs to Trimbuk Rao and Chintamun Rao, the heirs of the deceased brother Narayen Rao Yeshwunt. 4. The date of the original grant of the Surinjam, viz. Sumaneen (A. D. 1779), is taken from a title-deed in possession of this Surinjamdar, and which is, moreover, registered in the Peshwa's Duftur. 5. This Surinjam has been considered hereditary by Mr. Elphinstone.

13. The other half of the Surinjam, which at the introduction of the British revised lists, as shown below, as No. 21 of Class III :—

Number.	Name of Original Grantee.	Name of the Incumbent who was in possession of the Surinjam at the time of the Conquest.	Name of Present Incumbent, and whether the first or second British Grantee.	No. in the List prepared in A. D. 1834.	Soobhas in which the Surinjam is situated.	Names of the Villages comprising the Surinjam.	Estimated Annual Value of each Village, agreeably to the Collector's signed Memoranda.	Date of Original Grant, as ascertained from Sunuds and Records.	Age of the Present Incumbent.
1	2	3	4	5	6	7	8	9	10
							Rs. a. p.	A. D.	
21	Mahadajee Narayen Nuggurkur.	Ramchunder Mahadeo Nuggurkur.	Seorao Ramchunder and Luximon Rao Ramchunder, second British grantees.	No. 35 of Class I.	Poona	Land in the village of Kotroor.	50 0 0	1779	37 years.
					Ahmednuggur.	Half of Kanhoor.	4,099 13 0	..	47 years.
						Total..	4,149 13 0		

Government was continued to Ramchunder Mahadeo, was entered in the

Annual Private Income of the Incumbent.	The Names and Ages of the Incumbent's Legitimate Male Issue.	Whether the Surinjam has been continued beyond the Second Generation from the Conquest.	The Tenure.	Reasons for making the Grant, as recorded by Mr. Elphinstone, when Sole Commissioner in the Deccan.	Remarks.
11	12	13	14	15	16
Rs. a. p.					
410 0 0	Krishna Rao, 4 years; and Ramchunder Rao, 20 years.	No.	For life, and the amount of half the net proceeds to the heir as pension.	Mootsudees, No. 38. A man of a very respectable family. He was a great Mamlutdar in Bajee Rao's time, and acquired his favour by disreputable acts. He promised to give up several forts, and broke his faith, and is now in prison at Waee. His nephew, who is at Benares, has a claim to these lands. A good deal of his property was plundered at Singhur. He is a revenue defaulter. The Jagheer to be divided according to the legal shares, as it would have been had Bajee Rao's last Sunud never been issued, between him and his nephew.	The Chor Chittee is in Ramchunder Mahadeo's name, and in it the land in the village of Kotroor, and half of Kanhoor. On his death the Surinjam of Kanhoor was resumed. On the petition of his two sons, the present incumbents, in 1825, Mr. Chaplin directed its restoration; but as the land in the village of Kotroor was not attached on the death of Ramchunder Mahadeo, the same was enjoyed by the present Incumbents. The Collector of Poona, however, on account of the land not being included in Mr. Chaplin's order for the restoration of the half of Kanhoor, has resumed this portion of the Surinjam, the restoration of which to the present incumbent should be made, and their names are included in No. 10 of Statement No. 2 of List No. 5. The date of original grant is taken from a record contained in the Poona Duftur, bearing date Sun Summaneen (A. D. 1779).

14. The entry of this Surinjam in the revised lists appears to be faulty in the following instances:—

1*st.*—The Surinjam is stated to have been "acquired by Mahadajee Narayen," whereas the land in Kotroor was acquired (vide paragraph 15 of this letter) by (B) Mahadajee Narayen's father, (A) Naro Babjee.

2*nd.*—According to the revised lists, "on the accession of the British power a Chor Chittee for the release of the Surinjam was granted in the names of the co-sharers, Ramchunder Mahadeo and Neelkunt Rao Yeshwunt"; but at the conquest (D) Neelkunt Rao Yeshwunt was not a co-sharer, nor was he in possession of any portion whatever of the Surinjam, the *whole* of which had been granted (vide paragraph 16 of this letter) to (C) *Ramchunder Mahadeo* by Bajee Rao in 1810. It was Mr. Elphinstone who annulled the last Peshwa's act, and issued the order (recorded in the preceding, the 15th, column of the *same* entry in the revised lists) that the Surinjam should be "divided according to the legal shares, as it would have been had Bajee Rao's last Sunud never been issued, between him (Ramchunder Mahadeo) and his nephew."

3*rd.*—Again, the revised lists state "Narayen Rao Yeshwunt died at the time of the conquest, and his two sons, Trimbuk Rao and Chintamun Rao, being infants, their names were not entered in the Chor Chittee of the Surinjam." But this is wholly incorrect, as (E) Narayen Rao died, not at the time of the conquest, but five years afterwards, in 1822;* whereas the Surinjam was continued, as directed by Mr. Elphinstone, to Neelkunt Rao Yeshwunt and Ramchunder Mahadeo, and an order of release was issued accordingly, by the Collector of Ahmudnuggur, as early as the 20th April 1818, or four years before Narayen Rao Yeshwunt's death.

4*th.*—Having assumed Narayen Rao Yeshwunt's death to have taken place at the conquest instead of in 1822, it is further stated,—"Under these circumstances it would appear that this Surinjam is respectively enjoyed by the whole family, and, consequently, a moiety of that portion of the Surinjam for which a Chor Chittee was granted to Neelkunt Rao Yeshwunt justly belongs to Trimbuk Rao and Chintamun Rao, the heirs of the deceased brother Narayen Rao Yeshwunt." But the circumstances† which the Agent supposed to lead to the above conclusion did not, it has been explained, exist, and these two sons of a younger brother can, apparently, have no claim whatever upon *Government*, although they may have upon the elder branch, so long as the alienation may last.

* Statement of the claimants themselves, made before the Assistant Inam Commissioner on the 18th February 1854.

† The death of Narayen Rao Yeshwunt at the conquest, and the non-entry of his sons' names in the order of release (Chor Chittee), owing to their being infants.

15. The three items composing this Surinjam were granted as shown below :—

1*st.*—One chahoor of land in the village of Soorégaum, Purguna Gandapoor, granted to Mahadajee Narayen by a Sunud shown in the Ghurnee ledger to have been registered in the State diary of the 3rd April 1784, (12th Jummad-ool-Awul, Arba Sumaneen,) *in lieu* of a similar quantity of land in the town of Sonaiee, resumed by Government, which had been granted to Naro Babjee exclusive of his salary (Kheriz Tainat), *i. e.* in personal Surinjam, by a Sunud shown in the Ghurnee ledger to have been registered in the State diary of the 31st October 1775 (24th Mohurum, Seet Khumsain).

2*nd.*—Ninety beegas of land in the village of Kotroor, Turuf Kuryat Mawul, valued at Rs. 100, and six maunds of grain, granted to Naro Babjee in gift (Buksheesh), by a Sunud shown in the Bhera ledger to have been registered in the State diary of the 14th November 1756 (20th Sufur, Suba Khumsain).

3*rd.*—A portion of Kusba Kanoor, consisting of the Jagheer, Babtee, Goorgee, Sheree, Surdeshmookee-kusr, and import duties, and valued at Rs. 8,400, was granted to Mahadajee Narayen as an addition to his salary, (Jastee Tainat), by a Sunud registered in the State diary of the 18th July 1779 (3rd Rujub, Sumaneen). The Sunud specifies the Mokassa, Sahotra, Surdesmookee, Surpatelkee, transit duties, and half a chahoor of disputed boundary land, as *not* included in the grant to Mahadajee Narayen.

16. The second Sunud, granting Kanoor to Ramchunder Mahadeo, referred to by Mr. Elphinstone, and dated the 1st June 1810 (27th Rubee-ool-Akhir, Ashur Myatain), does not seem to have been registered—at least, no registry has been found; but it cannot be necessary to refer to it, as Mr. Elphinstone specially ignored it when he directed* "the Jagheer to be divided according to the legal shares, as it would have been had Bajee Rao's last Sunud never been issued, between him (Ramchunder Mahadeo) and his nephew." It is only of importance to remark that this second Sunud granted neither more nor less than the one issued in 1779 to Mahadajee Narayen (referred to in paragraph 15 of this letter).

17. This Surinjam appears to have been granted (as shown in paragraph 15 of this letter) between A. D. 1751 and A. D. 1796, and to be, under the orders contained in the 12th paragraph of the Honorable Court's despatch No. 17, of the 26th October 1842, resumable "after a second generation from the conquest, making a pensionary provision equal to half the net proceeds of the Surinjam lands for the generation next succeeding."

* Column 5 of the extract from Mr. Elphinstone's lists quoted in paragraph 3 of this letter.

18. As, however, the holding was continued by Mr. Elphinstone in two distinct portions, each of these portions will have to be treated as a separate Surinjam.

19. The Surinjam No. 26 of Class II. has now to be continued to the second generation, the first British grantee, (D) Neelkunt Rao Yeshwunt, having died* on the 26th of July 1853. It should, therefore, be entered in the name of (L) Gunputrao Neelkunt, the eldest son of the late holder. At Gunputrao's death the Surinjam will be resumable, a pension equal to half its net proceeds being granted to the next generation.

20. The other Surinjam, No. 21 of Class III., is at present in the hands of the second generation. It was continued at the introduction of the British Government to (C) Ramchunder Mahadeo, who died in or about 1825, when the Surinjam was, in a letter dated the 12th July 1825, from the Deccan Commissioner, Mr. Chaplin, to the Collector of Ahmednuggur, directed to be "made over" to the two sons of the deceased, (F) Luximon Rao and (G) Seorao, who are at present alive.

21. Government have, apparently, to decide whether Mr. Chaplin's order of the 12th July 1825 was intended to convert the Surinjam continued by Mr. Elphinstone to one person (Ramchunder Mahadeo) into two distinct and separate holdings. It does not seem to me probable that such was Mr. Chaplin's intention; but in any case I apprehend it to have been a measure requiring† the sanction of Government, which does not appear to have been asked for or granted.

22. The Surinjam No. 21 of Class III., if decided to be continuable under the ordinary rules, will lapse at the death of (F) Luximon Ramchunder, the usual pension being granted to the next generation.

23. Should Government decide that (F) Luximon Rao and (G) Seorao are to be considered as having each of them a distinct and separate claim upon Government, it will be necessary, under the instructions received in the 3rd paragraph of the Chief Secretary's letter No. 4532, of the 26th October 1853, to affix a separate number to the half share of each, that of (F) Luximon Ramchunder becoming, in such case, No. 21 A of Class III., and that of (G) Seorao Ramchunder No. 21 B of Class III., and each of the Surinjams thus numbered lapsing on the death of its present holder, with the usual pension to the next generation.

24. It will have been observed that the land in the village of Soorégaum,

* Reported to Government by the Collector of Ahmednuggur on the 13th August 1853, No. 1560.

† Paragraphs 5 and 6 of letter dated the 15th July 1820 from the Supreme to the Bombay Government, a copy of which was forwarded to Mr. Chaplin with a letter No. 1291, of the 23rd August following, from the Chief Secretary at Bombay.

which formed a portion of the Surinjam continued by Mr. Elphinstone, was not entered either in Mr. Warden's lists of 1844 or in the revised lists of 1847; this is the portion of the Surinjam which in my letter No. 90, of the 14th February last, I reported to have "been *since* the introduction of the British Government improperly and, apparently, fraudulently entered in the Government accounts as *Inam*." I have passed a decision under Act XI. of 1852 upon the Inam title put forward, and can best explain the circumstances of the case by submitting the following extract from my proceedings No. 115, dated the 24th February 1854:—

"6. The title-deeds produced by the claimants, assuming them to be genuine and authentic documents, and admitting all that they purport to show, prove that the land claimed was granted not in Inam but in personal Surinjam.

"7. As personal Surinjam it is found entered in the memoranda framed by the Peshwa's Government at different periods, and showing the Surinjam then held by the Nuggurkur family.

"8. As personal Surinjam it was released by Mr. Elphinstone, entered in the memoranda framed by his Secretary, Mr. McDonnell, and included in the lists of Jagheers transmitted by him to the Government of India on the 25th October 1819.

"9. The accounts of the village of Soorégaum have been obtained from the Government records, and the land claimed has been found entered in them as shown below:—

"For 1818-19 and 1819-20 the accounts are not forthcoming.

"In A. D. 1820-21 entered as the Shet-Sunud land of Neelkunt Rao and Ramchunder Mahadeo.

"In A. D. 1821-22 entered as the Shet-Sunud land of Ramchunder Mahadeo, under the head of Inam.

"And from this last year (A. D. 1821-22) up to the present date it has been entered as an Inam.

"10. The claimants are the Koolkurnees of the village of Soorégaum, although the duty is performed by an agent appointed by them. It cannot, however, be argued or supposed that their own holding can have been thus improperly entered for the first time in the accounts of 1821-22, as an Inam, unknown to, or unauthorised by themselves, and they must, apparently, be held responsible.

"11. Under ordinary circumstances the Assistant Inam Commissioner would consider this a case for adjudication under Provision 2 of Rule 6 of Schedule B of Act XI. of 1852; but as the holding is one justly claimable as a Surinjam, and as a report on the whole Surinjam of the Nuggurkur family is about to be submitted to Government, the proper present course appears to be merely to direct the entry of the land under its proper head of Surinjam.

"12. The Assistant Inam Commissioner therefore decrees, under Rule 6 of Schedule B of Act. XI. of 1852, that the land claimed be at once entered in the Government accounts as Surinjam."

25. In closing this report, I have to allude to the valuable accounts of the Peshwa's Government which there was reason to expect would have been obtained from this family. The holder of the Surinjam at the conquest, (C) Ramchunder Mahadeo, was; as recorded (vide paragraph 3 of this letter) by Mr. Elphinstone, "a great Mamlutdar in Bajee Rao's time," and the founder of the family, (A) Naro Babjee, appears to have had, in one shape or another, jurisdiction over the greater portion of the present Ahmednuggur Collectorate, and to have exercised peculiar functions, very similar to those of this Commission.

26. Not a document, however, of any description have I been able to obtain from any of the members of the family. On the 30th April 1852 I addressed the late (D) Neelkunt Rao Yeshwunt on the subject, and received from him a reply of the same date, informing me that the whole of the records of the Peshwa's Government required by me had been kept in his house at Nuggur, and having been more or less injured and destroyed by vermin and rain, had been sold.

27. On the 30th August 1853 I called upon the other branch of the family, who stated, on the 12th of the following September, their inability to produce a single account of the late Government—all, according to their statement, either having been destroyed at the capture by British troops of the fort of Singhur, or having remained at the introduction of the British Government with the persons who actually managed the various districts for which the Nuggurkur was responsible.

28. That many, if not the whole of the accounts, which in the hands of the Government would be of such value, are still in existence, I have never doubted; and the correctness of my surmise was proved by the discovery of a small portion of them under circumstances showing the existence of a positive traffic in these State records thus concealed and withheld from the Government, and a traffic, too, having for its only support the chance of substantiating by these records claims upon the public revenue. The paragraphs* of my letter reporting the case are below transcribed:—

"I have the honour to report to you the circumstances under which it has come to my knowledge that a very valuable account† of the late Government was lately lent for a consideration of Rs. 15 to Sindia's Vakeel, and produced in evidence before the Mamlutdar of the Kurdeh Talooka, on the

* Paragraphs 1 to 8 of Captain Cowper's Report No. 94, of the 25th February 1853.

† A detailed account of management (Zhurtee) of the Parnair Purguna, for A. D. 1798-99; the Parnair Purguna comprising one hundred and four villages.

occasion of a dispute regarding the boundaries of one of Sindia's villages in the Ahmednuggur Collectorate, Moujé Jamgaum.

"2. I may premise that this account is merely one of an immense number which ought to be, and which doubtless are, in the possession of the family of the Nuggurkur and of their dependents, although they all deny that such is the case.

"3. The Mumlutdar of the Nuggur Talooka lately attached, under orders from me, a number of accounts of the late Government in the possession of the family of the Furnavese of the Nuggurkur, and, in forwarding them, reported on the 25th November 1852 that it had come to his knowledge that a Zhurtee of the Parnair Purguna had been previously furnished by Ramchunder Pandoorung, the Furnavese of the Nuggurkur family, to Sindia's Vakeel, Bapoo Abajee Lélay.

"4. On receipt of this information, I desired Sindia's Vakeel, who was then in Poona, to attend at my office, and I took his deposition regarding the transaction;—copy and translation of the deposition are annexed to this letter.

"5. The Vakeel, it will be observed, corroborated the report made by the Mamlutdar, whom I consequently desired to make further inquiry, and, if possible, to obtain and forward to me the document: I also desired him to obtain the statements of the parties whom the Vakeel had named as having been the intermediate agents in the transaction.

"6. My instructions were carried out, the Zhurtee was obtained and sent, and so were the depositions of Ramchunder Pandoorung and of the Patel of Jamgaum, Runjee wulud Shayteeba Burway, to the effect that the Patel had obtained from Ramchunder Pandoorung the loan of the Zhurtee on the payment of a sum of Rs. 15, and on further executing a penal bond for *two hundred and fifty rupees*, to be paid in the event of the loss, destruction, or non-return of the Zhurtee to Ramchunder Pandoorung.

"7. Among the accounts of the late Government which are referred to in the 3rd paragraph of this letter as having been found in the possession of the Furnavese of the Nuggurkur family, Ramchunder Pandoorung, and forwarded to me by the Mamlutdar of the Nuggur Talooka, was discovered a catalogue of *other* accounts of the late Government, which must, I believe, have been in the hands of the person from whom those attached by the Mamlutdar, and referred to in my 3rd paragraph, were obtained. I at once desired the Mamlutdar to use every effort to discover them, but he has not yet succeeded in doing so. They are, I doubt not, concealed somewhere or other, and I hope at some future time that I may find them out.

"8. Were these concealed and withheld accounts of the late Government intended to be brought forward in support of claims now being or about

shortly to be inquired into by the Inam Commission, there would be comparatively little to object to, but this is far from being the case: all past experience justifies the belief, and leads inevitably to the inference that they may, and probably will be made the means of re-agitating, at some distant period, claims the *final* settlement of which is, I believe, one of the primary objects of Act XI. of 1852."

29. I have attempted to determine the amount properly payable to Government out of the revenues of Kusba Kanoor, but the inquiry has turned out so difficult and tedious that I have thought it best to set it aside for the present, and to submit at once the required information regarding the continuance of the Surinjam.

I have the honour to be, &c.

(Signed) T. A. Cowper, Captain,
Assistant Inam Commissioner.

Resolution passed by Government under date the 30th April 1855.

Resolved,—The Surinjam of the Nuggurkur family was found at the conquest to be entered in the name of Ramchunder Mahadeo Nuggurkur, under a recent Sunud of the Peshwa Bajee Rao.

2. This Sunud the Honorable Mr. Elphinstone specifically ignored, and directed that the Surinjam should be divided in equal shares between the representatives of the two branches of the family, Neelkunt Rao Yeshwunt and Ramchunder Mahadeo.

3. Two Surinjams were, as it were, thus created, which having been originally granted between A. D. 1751 and A. D. 1796, were to be continued to the second generation, with a pension of a moiety of the net proceeds to the third generation after the introduction of the British rule.

4. In the revised lists submitted by Mr. Brown in 1847, several errors are exhibited, which have been clearly pointed out by Captain Cowper. It will only, however, be necessary for Government specifically to allude to those which are material to the present discussion.

5. The Surinjam of Neelkunt Rao Yeshwunt is entered as No. 26 of Class II. in the lists of 1847. Mr. Brown speaks of Narayen, the younger brother of Neelkunt Rao Yeshwunt, having died at the time of the conquest, and of his two sons not being entered as co-sharers in consequence of their infancy. This is erroneous, as Narayen Rao did not die until 1822, and Mr. Elphinstone entered the half Surinjam in the name of Neelkunt Rao only, during the lifetime of his brother. The sons of Narayen Rao have, therefore, no claim upon Government, but only on that member of the family who holds the Surinjam.

6. Neelkunt Rao Yeshwunt died in July 1853. The Surinjam, therefore, is continued, under the Surinjam rules, to his eldest son Gunput Rao Neelkunt, on whose death it will be resumed, and a pension granted to the next generation. The erroneous entry of Mr. Brown should be corrected, and a new one inserted in the lists in the name of Gunput Rao Neelkunt.

7. With reference to the other Surinjam,—that of the half share of Ramchunder Mahadeo in the original Surinjam,—a question has been raised which demands the consideration of Government. Ramchunder Mahadeo died in 1825, and his Surinjam was by the order of Mr. Chaplin, addressed to the Collector of Ahmednuggur, made over to his two sons, Luximon Rao and Seorao. The instructions of Government were neither solicited nor received by Mr. Chaplin on the subject.

8. It will thus be observed that this Surinjam *is in the hands of the second generation;* and the question is whether it shall be resumed on the death of Luximon Rao, or whether it shall be regarded again as two Surinjams, on account of the sub-division made under Mr. Chaplin's orders, and each resumed on the death of its respective holder.

9. It may be conceded that Mr. Chaplin was too hasty in giving the Surinjam to both the sons, but the Right Honorable the Governor in Council is not disposed after the lapse of thirty years to disturb the arrangement. He therefore considers that each holding should be regarded as a separate Surinjam, each resumable on the death of its present incumbent, with a pension to the eldest son of Luximon Rao equal to half of the ascertained net value of his share, and a similar pension to the eldest son of Seorao. The Right Honorable the Governor in Council directs that the lists may be amended accordingly.

10. The lists both of Mr. Warden and Mr. Brown omit from the Surinjam the land in the village of Soorégaum which was a part of the Surinjam continued by Mr. Elphinstone. This omission was caused by the attempt of the holders to pass it off as "Inam." The alteration of title was discovered by Captain Cowper, and the errors in the previous lists should be rectified. No further notice is now required from Government on the subject.

11. Captain Cowper has, lastly, noticed the evasive conduct of the Nuggurkur family with respect to public documents suspected to be in their possession. On this subject Captain Cowper may be directed to summon Gunput Rao Neelkunt, the new Surinjamdar, before him, and to point out to him the certainty which exists as to the possession by the family of public records, and the dangerous position in which he will be placed by withholding the property of Government. Captain Cowper may be requested to pursue his inquiries, and to submit a full report to Government on this important subject on their completion.

12. A copy of this Resolution to be forwarded to the Collectors of Ahmednuggur and Poona.

No. 2246 of 1855.

Political Department.

To Captain T. A. Cowper,
Inam Commissioner Northern Division.

Sir,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 163, dated the 25th March 1854, to the address of Mr. Manson, then Sole Inam Commissioner, reporting upon the Surinjam of the Nuggurkur family, entered as No. 26 of Class II. and No. 21 of Class III. in the revised Surinjam lists of 1847.

2. In reply, I am desired to enclose for your information copy of a Resolution passed by Government under date the 30th April last, and to state that copies have been furnished to the Collectors of Poona and Ahmednuggur, for their guidance.

3. Referring to the concluding part of the extract attached to the 28th paragraph of your letter, in which you express your conviction that certain old records in the possession of this family are intentionally concealed, with the intention of re-agitating, at some distant period, claims the final settlement of which is, it is believed, one of the primary objects of Act XI. of 1852, I am directed by the Right Honorable the Governor in Council to request that you will consider and report whether it be not possible to defeat this intention either by legislative enactment, or by the promulgation of the rules of Government depriving of all weight, in the prosecution of claims, records not produced or given up within a certain date, or which have remained even accidentally in concealment. There can be no finality in decisions, or no protection even against perjuries, if a period be not fixed within which proofs must be adduced and claims prosecuted.

4. I am further desired to request that you will, in communication with the Agent for Sirdars, prepare and submit to Government revised entries, agreeably to the instructions contained in the 9th paragraph of the above Resolution, in respect to the two Surinjams of the Nuggurkur family, for insertion in the Surinjam lists.

I have the honour to be, &c.

(Signed) H. L. Anderson,
Secretary to Government.

Bombay Castle, 7th June 1855.

No. 876 of 1855.

Political Department.

From Captain T. A. Cowper,
Inam Commissioner Northern Division,

To H. L. Anderson, Esq.,
Secretary to Government, Bombay.

Dated at Poona, the 7th August 1855.

Sir,—I have the honour, under the instructions received in paragraph 3 of your letter No. 2246, dated the 7th June 1855, to submit for the consideration of Government, the reasons which appear to render it absolutely necessary that the withholding and concealment of the accounts of the revenue management of the former Government which have prevailed, and which still prevail, throughout the Presidency, should be at length decisively put a stop to; and having afforded this explanation, I will describe the measures by which the object in view may, in my opinion, be attained.

2. The value which Mr. Elphinstone placed upon these accounts, and the great importance which he attached to their acquisition on the conquest of the Peshwa's territories, are described in the portion of his report to the Supreme Government dated the 25th October 1819 below transcribed:—

"In order to guard against fraudulent alienations, as well as to acquire a knowledge of the resources of the country, which, rather than the realization of an immediate revenue, I consider to be our principal business for the first year or two, I took early measures to secure the possession of any information that might have been in the hands of the Native Government. For this purpose I sent for the principal persons of the Peshwa's Duftur from the places to which they had retired, and employed them to collect the records; I afterwards increased the establishment, and put it under the particular direction of Mr. McDonnell, with the assistance of Lieutenant Macleod, of the Bombay Engineers, whose knowledge of the Murathee language peculiarly qualified him for such a task.

"I also called on the Collectors in July 1818 to use every endeavour to secure the accounts of each village for the ten years preceding our occupation of the country. Infinite difficulty was met with in procuring those papers, and it was soon found that little reliance was to be placed on them when procured; the attention of the Collectors is, however, still directed to that object, and the papers they procure will be of great value, from the mutual check between them and the Duftur records."

3. Three years after Mr. Elphinstone had made the foregoing observations, his successor, Mr. Chaplin, in submitting on the 20th August 1822 a report

on the revenue administration of the conquered territories, thus described the want of accounts of the former revenue management of the country; the inconvenience caused thereby; and the apparent reasons of their not being forthcoming:—

"The impossibility of preserving a strict uniformity of system in the several Collectorates arises from the want of all accurate accounts of the revenue. The district records of former Mamlutdars and Durrukdars have, for the most part, disappeared along with those functionaries, though here and there imperfect fragments are to be met with, exhibiting the revenue of whole villages, but seldom for any continual series of years in succession. The Zemindars ought to have in their keeping lists exhibiting the Zumeen Jhara, or account of the lands of each Moujé, and its assessment; but, in consequence of their long exclusion from employment, very few of them can produce these documents, and never in a perfect shape. The same observation applies to the Koolkurnees, whose records are almost always in the most mutilated state, full of falsification and interpolations, and never so authentic as to be implicitly relied on. The loss of these records is invariably referred to the times of former troubles, which have, indeed, been sufficiently frequent to account for their very general destruction."

4. It thus appears that the falsification of the revenue accounts was at first well understood to be of general occurrence, but it remains for me to show that this was accompanied by an universal concealment of the old and genuine documents, which have now, thirty-five years later, been discovered by *tens of thousands*, and not unfrequently in a state of perfect order and arrangement.

5. After the first attempt made on the conquest of the country, no further regular effort appears to have been made. Now and then, when some fraud grosser than usual came before the authorities, searching inquiries were made, and concealed accounts discovered. One of these occurrences may fitly be described here, as the measures then adopted on the conviction of the offender afford a very striking contrast to the absence at present of anything like effectual punishment,—the natural consequence of which must be to confirm, instead of eradicate, a state of things under which the hereditary officers have become the chief agents in frauds upon the public revenue, which they are especially, and in very many cases highly paid to check and prevent.

6. The case referred to in the last paragraph is that of an hereditary accountant (Koolkurnee) of the village of Satpoor, in the Nassick Purguna, who having in 1823 fraudulently concealed the old accounts of his village when they were required for the purpose of checking claims preferred upon its revenues, was on detection punished by the confiscation of his Wutun.

7. Hereditary officers lately convicted, not only of the wholesale concealment of public accounts, but also of having previously solemnly deposed to their non-existence, have in many cases found their offence entail upon them no more severe punishment than the loss of a couple of months' pay.

8. During the several revenue surveys which have been in progress in the Deccan, reference to the old accounts of revenue management has, of course, been necessary; but the documents produced on these occasions have been, generally speaking, the accounts fabricated at the conquest of the country during the system of falsification described by Mr. Elphinstone, although not unfrequently even these have been superseded by a second series of fabrications.

9. I have now to advert to a matter of the greatest importance, as connected with the enormous alienations of the public revenue in the six Collectorates of Tanna, Rutnagherry, Surat, Kaira, Broach, and Ahmedabad, where all titles to hold land free of assessment must be adjudicated under the provisions of Regulation XVII. of A. D. 1827, which even theoretically is, I am satisfied, very inadequate for the protection of the public revenue, and for the purposes which a careful perusal of all the past correspondence on record has shown me to have been contemplated by its framers. Practically this Regulation becomes utterly inoperative where the genuine accounts of the former Government may be withheld, for it then becomes impossible to test that former enjoyment essential to the recognition of any hereditary right, and the most recent and fraudulent acquisition is placed on precisely the same footing, and becomes just as permanent a charge on the public revenue as the estate held under the oldest and best of titles.

10. The Deccan Commission was abolished in 1826, and during the following eighteen years little was done towards the recovery of improper and fraudulent alienations, and that little has, in the majority of cases, greatly increased the labour and difficulty of the thorough inquiry at length instituted. I have, however, alluded to the proceedings between 1826 and 1843 chiefly to draw attention to the remarkable fact that during their progress the genuine revenue accounts of the former Government,—to account for the alleged loss of which Mr. Chaplin was so plausibly referred to "the times of former troubles,"—have been produced, almost as a matter of course, *in support* of individual claims, and in the numerous suits affecting alienated land tried in the civil courts.

11. I have hitherto asserted rather than proved the existence of an universally prevailing system under which these public accounts have remained, as to a very great extent they remain still, concealed and withheld from the officers of Government. I now, therefore, proceed to describe the circumstances under which the fact has been brought to light.

12. In 1843 a special Commission was appointed to inquire into the enormous alienations of the public revenue in the Southern Muratha Country, and up to 1850 its operations had been so satisfactory that its extension to the Deccan and Khandeish was determined on; and it was at the same time resolved to place the whole inquiry on a more regular footing; to introduce a system of appeal, corresponding in all material points with that in force in the ordinary courts of law; and to vest each superior officer of the Commission with the powers and functions, in so far as applicable, of a Zilla court of civil jurisdiction.

13. The objects described in the last paragraph were carried out by Act XI. of 1852, previously to the passing of which it had become clear, that without obtaining the old accounts of revenue management nothing could be done towards the adjudication of the immense number of alienations of which no accounts were to be found among the Peshwa's Hoozoor records. This want had begun to be felt, too, in the Southern Muratha Country, where the inquiry had previously been almost altogether confined to alienations regarding which the requisite information was to be found in the Dufturs secured by Mr. Elphinstone at the conquest of the country (described in paragraph 2 of this report), and in a few others subsequently obtained by the Collectors and the Inam Commissioner.

14. Towards the end of 1851, public notices were issued throughout the Sholapore Collectorate, calling upon the whole of the hereditary officers and others to surrender to Government the public accounts in their possession. A list was made of the papers thus produced by each person, who was required to declare in writing that he had withheld nothing, and that he was not aware of the existence of any accounts other than those given in by him. All this was done with much labour and at considerable expense, but the result was positively *nil*. Not only were no public accounts produced, but while emphatically denying the existence of any, the hereditary officers did not scruple to produce every single document, *no matter how ancient*, calculated to promote their own personal interests, and to prove their own claims.

15. A similar attempt was a few months later made in the Poona Collectorate, and resulted in similar failure. Indeed, in Poona, matters were so far worse, that in some cases documents purporting to be old Government accounts were given in, but they were forgeries, as the real accounts have since been discovered.

16. That the object of all this fraud and concealment has been well known and thoroughly understood,—that object being neither more nor less than to prevent the recovery of a very large portion of the public funds improperly and fraudulently alienated,—was very clearly, though probably unintentionally, set forth in one of the only two petitions which were presented

to Government against the passing of Act XI. of 1852,—a petition submitted on the 17th of November 1851, in which the following significantly triumphant sentences occur :—

"The records kept by village accountants and district officers are what is required by the Inam Commission, and *are these to be found in the Peshwa's Duftur ?* The Collectorate of Poona only comprises about 1,200 villages, and *let the officer of the Peshwa's Duftur state of how many of these he has the accounts* of the nature required by the Inam Commission.

"Are the records kept by these, as well as by the district officers and village accountants, to be had for the Inam Commission? *No, certainly not ; they are lost long ago.*"

17. Before passing on, it is proper to explain that the accounts, with the non-possession of which Government was thus taunted, are those of which it has been stated in my 4th paragraph that "tens of thousands" have been subsequently discovered, but of which probably *hundreds* of thousands still remain withheld and concealed, especially in those provinces to which the provisions of Act XI. of 1852 do not apply.

18. As soon as the aforesaid Act became law, the Inam Commissioner in his letter No. 505, dated the 23rd of March 1852, brought to the notice of Government, in the following terms, the necessity of endeavouring to obtain these old accounts :—

"As one of the most necessary proceedings towards giving effect, with any degree of justice, to the provisions of Act XI. of 1852, will be to collect and secure, as soon as possible, the various accounts of a nature to throw light on the history of the alienations of public revenue in the Mahals and villages of the district in which this Commission is appointed, I beg that you will obtain for me (according to the provisions of Rule I. of Schedule A of the Act above mentioned) the instructions of the Right Honorable the Governor in Council to take possession of such accounts from the Government officers and others in whose hands they now lie, availing myself, in so doing, of the assistance of the revenue authority of each district where the accounts may be lodged."

19. In reply, the Inam Commissioner was informed, in the Revenue Secretary's letter No. 2001, of the 25th of March 1852,—

"The Right Honorable the Governor in Council approves of your suggestion, and authorises you to take possession, with a view to their better arrangement and security, of the various old accounts required for the operations of the Inam Commission, from the officers and others in whose charge they now are."

20. I have now succinctly to describe the operations which took place

under the foregoing instructions, and which have demonstrated beyond question the wide-spread existence of a great evil, for the eradication of which decided measures are imperatively called.

21. At Bagulkote, in the Belgaum Collectorate, a complete set of Government records was found concealed by the hereditary officer of the district, who in 1846 had, when called upon to produce all the public records in his custody, furnished the Inam Commissioner with *twenty-nine accounts*, stating in writing that he had no others; yet at the close of 1852 upwards of *eighteen hundred* accounts of the most valuable description were found in this man's possession.

22. The case I am about to describe is a remarkable one, to which I would solicit attention. It is remarkable—*firstly*, that such an enormous mass of records as that discovered should for five-and-thirty years have been successfully withheld from the Government, although placed within a few miles of Poona; and *secondly*, that no effort should have been made to ascertain from Junardhun Narayen Deshpandey, the person from whom at last they were recovered, what had become of the accounts of management of the extensive districts which notoriously were in his hands up to the very end of the rule of the Peshwa, one of whose chief favourites Janoba was.

23. On the 21st of April 1852 the Inam Commissioner, Mr. Hart, issued the following instructions to his Assistant (myself):—

"I have been informed by the Mahalkuree of Dhonjeh that Janoba [Junardhun Narayen] Deshpandey of Sewapoor, in that Péta, who was required, with the other Government officers of the district, to attend at his Kutcheree, for the purpose of rendering the Government accounts in his possession, has sent a reply refusing to do so, on the pretence that he is ill in Poona.

"2. I am further informed that Janoba is apparently insane, and that persons who have access to his house in Sewapoor are taking this opportunity of making away with the Government records in question.

"3. Under these circumstances, I beg that you will be so good as to take measures for at once securing these Government accounts."

24. On the 24th of April 1852, the result of my proceedings was reported in the following terms:—

"I have the honour to report having, in compliance with the instructions contained in your letter No. 588, of the 21st instant, taken charge of the Duftur belonging to Junardhun Narayen Deshpandey, a Sirdar of the Third Class, which was at Sewapoor, and also of some hundred bundles of old accounts made over to me in Poona by the Sirdar himself.

"2. Junardhun Narayen is, I regret to say, so old and infirm, and his intellect is so shattered, that no definite information can be obtained from him,

though he declares that he has a recollection of a large Duftur belonging to him which ought to be forthcoming. I shall do my utmost to follow up the clue which the Sirdar has given."

25. On the 30th of the following June, I thus reported my further proceedings in the case :—

"On the 24th April last I reported to you having obtained a certain number of accounts of the late Government from Junardhun Narayen Deshpandey, a Sirdar of the Third Class, and I mentioned my belief that a very large number must still remain, which it should be my endeavour to trace and obtain possession of. I have now the satisfaction of informing you that I have been successful, and that I have obtained what must be, I believe, the whole of the Deshpandey's Government records, and which, both in number and the variety of districts to which they refer, may be probably considered as the most valuable Duftur we are likely to find in the possession of any one individual.

"2. On the evening of the day I made the report above quoted I obtained what seemed to me authentic information of the existence of nearly a thousand bundles of accounts of the late Government, said then to be placed in the house of the Deshpandey at Sewapoor, and to have been left (*i. e.* improperly allowed to remain) there by the Government officers, who only three days previously had been sent by me to Sewapoor for the express purpose of obtaining the records said to be still there.

"3. I determined to act at once on this information, and left Poona by dák the same night, reaching Sewapoor at daybreak the next morning. I proceeded at once to the Deshpandey's Wara, told the person in charge of it that I desired to be shown the whole of the Government records said to be placed there, and was immediately taken to the upper story of the building, where I found records of every sort and description, some carefully arranged in bundles, and some lying loose, the whole amounting to, perhaps, a thousand bundles of the usual size (about one cubic foot and a half).

"4. I subsequently discovered that one of the Deshpandey's Karkoons had concealed in his own house a valuable portion of his master's Duftur, which was found *built* up in a cavity of one of the walls of the building. It was fortunate that I obtained this information, for the papers thus discovered seem to consist chiefly of Sunuds, and other authentic documents of a similar nature, which must have been forcibly obtained by Janoba when in the enjoyment of power, there being no less than five tin boxes filled with these documents, which will now of course be applied to their legitimate use, and for the benefit of those to whom they may be found to belong when their claims are tested.

"5. The whole of the records obtained at Sewapoor have been brought

by me to Poona. It is scarcely necessary to state that as yet it has not been practicable to attempt the examination and assortment of an enormous Duftur of this sort, but a cursory inspection has sufficed to show me that it contains accounts of a very large portion of the Bombay Presidency. The following are the names of the districts, accounts of which have already been found :—

" 4 Talookas of the Dharwar Collectorate.
6 ditto of the Belgaum ditto.
5 ditto of the Poona ditto.
12 ditto of the Ahmednuggur ditto.
1 ditto of the Sholapore ditto.
7 ditto of the Tanna ditto.
1 ditto of the Rutnagherry ditto.
11 Purgunas of the Khandeish ditto.
3 ditto in Guzerat.
14 ditto in the Sattara districts.
70 ditto in the Nizam's territories.
39 ditto in Hindoostan.

" And there seems every reason for believing that accounts for nearly every part of the Bombay Presidency will eventually be found,—many of these must, I imagine, like the Sunuds referred to in the last paragraph, have been taken from other parties by Janoba."

26. On the 31st of March 1852 Mr. Hart ordered me to take possession, with a view to their being stamped and registered as soon as possible, of the old Government accounts in the possession of the hereditary officers of the Poona district; Mr. Hart added,—

" 2. I am led to wish that your proceeding in this matter may be hastened, from having reason to believe that the Deshpandey has already been attempting to conceal the fact of his possession of Government accounts, and that the Duftur of the Deshmooks, who are themselves absent, and, therefore, unable to look after their own interests, is being tampered with most seriously by the Goomashtas or Karkoons appointed by them to serve Government in their stead."

27. My proceedings were reported on the 17th of April 1852, in the following letter :—

" Referring to your letter No. 523, of the 31st March 1852, desiring me to take possession of the Government records in possession of the Mahal Zemindars, I have the honour to state that under the circumstances therein mentioned, to which you drew my attention, and also from information subsequently received by me, I considered an immediate attachment

of the records in question the only method of ensuring their safety. This was accordingly done by means of the Mamledar's establishment, and these papers were at once securely lodged in the Sunwar palace.

"2. The necessity of the precautions you deemed it necessary to inculcate has been amply proved; for in one or two cases attempts were made to evade the attachment, and valuable old accounts were found concealed under grain: that these were thus ineffectually concealed was probably owing to the short time allowed by me to elapse between the order for and the execution of the attachment. I have reason, however, to fear that some Dufturs were previously removed, and have escaped me for the present; I shall spare no effort to trace them."

28. And on the 23rd of June following further information regarding the hereditary officers' concealed accounts was afforded in the following terms:—

"2. In my letter No. 214, of the 17th April last, I mentioned that I would endeavour to trace the records still evidently withheld by the Poona Zemindars, and this to a limited extent I have succeeded in doing. On the 3rd May following nearly forty Roomals of accounts of the late Government were found in the house of Wamun Ramchunder Deshpandey, concealed in such a manner that without previous information their discovery would have been impossible,—they were buried in an uninhabited and ruinous part of the house, in a built-up staircase, under a heap of rubbish which it took some hours and much labour to remove."

29. In June 1852 a large and valuable collection of accounts of the extensive holdings under the Peshwa's Government of the Rastia family was made over to the Inam Commission by the then head of the house, Yeshwunt Rao, who, in consideration of his good conduct and the assistance rendered by him on that occasion, has since been rewarded by the Honorable Court of Directors. My object, however, in specially alluding to this case, is to solicit attention to the fact which the Inam Commissioner, Mr. Hart, brought to the notice of Government in paragraph 4 (below transcribed) of his memorandum of the 1st October 1852:—

"4. The Inam Commissioner thinks it necessary to state that the late Balla Saheb Rastia, who was regarded with confidence and favour by Government, repeatedly denied having *any* such accounts as the numerous ones now so readily given in by Yeshwunt Rao, whose conduct in this respect seems deserving of the highest praise."

30. The foregoing affords, I think, about the best possible illustration of the utter unscrupulousness with which even the highest classes of Natives have lent themselves to frauds of this description. Bulwunt Rao Rastia, the individual referred to by Mr. Hart, was during the thirty years succeeding the

introduction of British rule looked upon, and in very many respects deservingly so, as the first and best of the Deccan Sirdars,—yet in this matter his word was worthless.

31. How exceedingly vicious has been the system the eradication of which is the object of the present inquiry, was well described by the Inam Commissioner, Mr. Hart, when, in strongly recommending Yeshwunt Rao Rastia to the favourable notice of Government, he observed (paragraph 2 of the Inam Commissioner's letter No. 1957, dated the 18th April 1853),—

"2. It is not for Rastia's sake, but for the sake of Government, that I consider that Yeshwunt Rao ought to be rewarded in some marked manner for the readiness he has shown in producing papers which had been long withheld by others of his family; and though, as stated in paragraph 10 of the Government letter, it is merely an act of honesty in persons possessed of Government records to give them up, they so seldom do give them, they are so seldom detected in withholding them, and they are so much more seldom punished for so doing, that to merely insist theoretically on the truth of what Government has perceived to be the fact will, I fear, be of little service in obtaining the Government accounts still unrecovered."

32. On the 9th of September 1852 I reported to the Inam Commissioner the result of my proceedings in collecting accounts of the late Government in the south-eastern districts of the Poona Collectorate, in which upwards of *one hundred and fifty persons* had been found in possession of *many thousands* of these documents. Though many were obtained, a much greater number remained concealed. How deliberate was the concealment, and how fearlessly the public accounts withheld from the Government had been habitually brought forward in support of private claims, will be understood from the following report of my proceedings at Soopa, the station of the chief revenue authority of the district:—

"16. At Soopa I had expected to find complete accounts of the Soopa Prant in the possession of Jewajee and Naro Anundrao, by whose family the Mamlut of the Prant was held for sixty years under the late Government; but I am sorry to say that they had removed or concealed the whole, excepting one bundle, which fell into my hands, I believe, from the mere accident of its having been retained as absolutely required to produce in support of a claim then under investigation by the Mahalkuree. This bundle was found to contain accounts of a number of villages of the Soopa Prant for consecutive years, nicely arranged, and evidently a portion of a complete set of accounts of a similar description. I feel quite satisfied that I have been correctly informed regarding the rest of the accounts, and that they are in the possession of the family, though as yet I have not been able

to find them. The son of Naro Anundrao is the Vakeel of the Punt Suchew, into whose territories I suspect that the accounts in question have been removed."

33. In 1852 the family of the hereditary accountant (Deshpandey) of a great number of districts in the Poona and Ahmednuggur Collectorates having become extinct in male lineage, Government were asked to recognise an adoption made by the widows of the last incumbent. It then became necessary to ascertain in how far the duties of the Wutun had been fulfilled, and the result of this inquiry affords so very striking an instance of the practical working of the system, which has been upheld at an enormous drain upon the public revenues, that I quote *in extenso* the following report which I submitted on the 27th September 1852:—

"I have now the honour to report the result of my endeavours to obtain possession of the accounts of the late Government of the Jooneer Deshpandey, the late Krishnarao Amrooteshwar. I have, I regret to say, met with very partial success, for though many accounts have been recovered, those of the greatest value to Government have, I fear, been withheld or concealed. I have delayed this report since my return from Jooneer in June last, hoping to gain further information, but I have not done so, and I must, for the present, relinquish all hope of recovering the missing documents.

"2. It is advisable especially to notice the extent of this Deshpandey Wutun, that a correct idea may be formed of the number and value of the accounts which *ought* to have been forthcoming, but of which I have had great difficulty in recovering even a portion.

"3. The Wutun comprises,* as far as I have been able to ascertain, sixteen Turufs in the Poona, and four in the Ahmednuggur Collectorate, containing altogether no less than six hundred and sixty-four villages. Under the most favourable circumstances, a Wutun of this size must be an unmanageable one, and so the late Deshpandey found it; for though a man of considerable energy, he was obliged to succumb to his Goomashtas (managers), who in many cases succeeded in obtaining power, emoluments, and everything, in short, excepting, unfortunately, responsibility.

"4. Recent occurrences have clearly shown the mischievous working of this system. The widows and relatives of the late Deshpandey came forward full of professions, and expressed themselves most anxious to furnish Government with every account belonging to the Wutun: when, however, I subsequently found Dufturs withheld and concealed in all directions, and

* "Having been unable to obtain accurate information on this point, from either the Revenue Commissioner or Collector, I have shown the extent of the Wutun as stated by the agent of the late Deshpandey's widows, and as found entered in some accounts found in the Deshpandey's house at Jooneer."

remonstrated with them for what I fully believe to have been done partly at their instigation and with their connivance, the excuse with which I was met was the utter impossibility of their checking or controlling the proceedings of the Goomashtas.

"5. I visited Jooneer at the express desire of the widows, and for the especial purpose of securing the Duftur in the Deshpandey's house there. I had been led to believe that I should find complete accounts of the whole of the districts and villages composing the Wutun; instead of which, however, I obtained some two hundred bundles, containing chiefly statements and accounts intended to show the Deshpandey's own personal emoluments. The perfect state of these, and the number of years for which they were forthcoming, at once led me to suspect that Government accounts must have been removed—and so it turned out. I succeeded, with the assistance of the Mamlutdar, in recovering many of them found concealed in all sorts of places, and in the houses of all sorts of people; but I do not suppose that I got hold of a tenth part of the Deshpandey's Duftur in the town of Jooneer alone. I allude to accounts purely the property of Government, such as village Taleebunds, Zumeen Jharas, &c.

"6. On my way to Jooneer I called upon the Goomashta at Kheir for the accounts in his possession, and he, accordingly, produced a Duftur from which every useful paper had been abstracted. Some days afterwards I learned that sixty-four bundles of accounts were built up in a recess in the wall of his house: these I at once obtained through the Mamlutdar, and they will doubtless be of value; but in this case also the information I have received leads to the belief that much Duftur escaped me.

"7. At Chinchoolee there is another Goomashta, and from him I obtained what seemed a tolerably complete Duftur; but his accounts have since been discovered in other quarters, and altogether I cannot venture to believe that many have not been withheld.

"8. That this Wutun can ever be managed properly, and with benefit to the large district which it comprises (a district extending over a great part of two Collectorates), I greatly doubt; indeed everything which has come to my knowledge leads me to believe it an office the continuance of which has ceased to be desirable on any grounds whatsoever."

34. The Inam Commissioner, Mr. Hart, on the 4th December 1852, submitted the foregoing report to Government, and in doing so observed:—

"2. I beg the especial attention of Government to a letter from my Assistant, Captain Cowper, No. 365, dated 27th September 1852, which shows that the principal duty of the Deshpandey, viz. his keeping accounts

of the villages within his jurisdiction, has been (even if we take the most favourable view of his conduct) entirely neglected.

"3. I beg to express my entire concurrence with Captain Cowper in the doubt and opinion expressed in the last paragraph of his letter.

"4. The real use of Deshpandeys expired with the Mussulman Government; and though our Government has, from motives of excessive tenderness in its treatment of what have been put forward as claims of prescription, permitted the continuance of such Wutuns, it was the policy of the Peshwa to discontinue them whenever the opportunity offered, and this policy was without doubt a sound one. The Government of India has altogether freed itself from the encumbrance of hereditary district officers in the Bengal Presidency.

"5. At all events, now that the useless and ill-managed Wutun of the Jooneer Deshpandey is on the eve of lapsing, I am humbly of opinion that its perpetuation, either wholly or in part, is uncalled for, and would be mischievous."

35. Government, in consideration of the facts thus brought to their notice, declined, under date the 6th January 1853, to "consent to recognise the adoption to a Wutun the duties of which have been performed to so little purpose, as therein shown."

36. In September 1852 numbers of accounts of the revenue management of the late Government were found in Poona in the shops of shroffs and snuff-sellers, where they were being gradually used as waste paper, and among these documents were several which *must* have been extracted at some period or other from the Peshwa's State records. This case was brought to the notice of Government on the 11th of September 1852 by the Inam Commissioner, Mr. Hart, who observed :—

"2. I do not think there are sufficient grounds to proceed by criminal information against the shroff in whose possession the Duftur accounts were found, as it cannot be proved that he himself became possessed of them in any actually criminal manner since the introduction of the present Government, and most unfortunately there is no law which denounces as punishable the mere retention by private individuals of those accounts, of which Captain Cowper justly observes—'Government alone can legitimately claim them; and, what is of more consequence, by Government alone can they be applied to their legitimate use.'

"3. I have considered it my duty to report to Government the facts stated by Captain Cowper, as a reference to them may be of use should Government decide on obtaining a legal enactment providing some means for enforcing the production of all records throughout the Presidency,—a

measure which the experience of every day in this department indicates as more and more requisite."

37. On the 25th of September 1852 I reported to the Inam Commissioner, in the following terms, a most striking instance of the concealment and withholding of the public records of the late Government systematically practised at and since the conquest of the Peshwa's territories, with which a perusal of the records of the Deccan Commission had made me acquainted :—

"2. At the close of 1819 the Commissioner in the Deccan received information which induced him to instruct the Collector of Poona to seize all the Duftur in the possession of the Waug family.*

"3. The Collector immediately sent to Moregaum, in the Poorundhur Talooka, the residence of the Waug family, but succeeded in obtaining, as reported to the Commissioner on the 26th December 1819, only six small bundles of papers.

"4. You will find, on referring to my letter No. 306, of the 9th instant, and to the statement which accompanied it, that at this very place (Moregaum), and from this very family, I obtained no less than *three hundred and thirty* bundles of papers, containing a large number of valuable accounts of the late Government.

"5. It would be difficult, I imagine, to adduce stronger proof of the urgent necessity for some effective measures on the part of Government to obtain what, at this late period, may still remain of property which is undoubtedly that of the State; which has been, and is withheld for no good and legitimate purpose; and the loss of which must result in the rejection of many an honest claim, and the perpetual alienation of a large portion of the revenue of the country to those whose want of all title these records would at once expose."

38. Mr. Hart, in submitting these facts on the 4th of December 1852, No. 1365, for the consideration of Government, stated,—

"3. It is such cases as these which seem to make it desirable that the Inam Commission should be furnished with some more definite and ample authority than it is now possessed of, for the recovery of old records and accounts."

39. On the 25th of October 1852 I became acquainted, from a similar source, with another but a grosser case of the nature described in the last paragraph but one, and which I brought to notice in the following terms.

* During the reign of the last Peshwa, with whom this family was in favour, the management of several districts was entrusted to them, also that of the Peshwa's own private (Khasgee) holdings.

"2. After our occupation of the country in 1817 it became a matter of the utmost importance to obtain correct information regarding the transit, customs, and other duties collected in the Deccan; and for this purpose, inquiries were instituted in every direction, and the Collector of the large districts of Ahmednuggur was, with other functionaries, called upon by the Commissioner to obtain and furnish all the information he could procure regarding the Nuggur Collectorate.

"3. The Collector's report did not afford the requisite information, and he was again addressed on the subject. A copy of his reply to this second requisition is annexed; it is dated the 13th September 1820, and thus accounts for the incompleteness of his previous statements:—.

"'I beg leave further to add, that the whole of the accounts connected with this subject were kept at Poona under the Murathas, and that in consequence of this fact there is not a single document from which the roughest guess could be formed of the collections for any one year.

"'If any statements are procurable, I should think it most probable they would be so at Poona, where Chinto Punt Deshmook, the great custom farmer, resides.'

"4. There can, I apprehend, be no doubt that endeavours were made to procure accounts from the source pointed out by Captain Pottinger, and there can be as little doubt that previous to the receipt of his letter just referred to, the Commissioner must have made inquiries in the same quarter. In how far the efforts made were successful can be pretty accurately surmised from the fact of Captain Gordon having in March last obtained from the Deshmook family *four cart-loads* of accounts of the late Government, chiefly referring to the customs.

"5. That the revenues of a large portion of this Presidency have suffered greatly from the concealment of the accounts of the late Government heretofore practised is more than probable; but it seems to me *certain* that they will suffer to an incalculably greater extent should these documents not now be recovered and applied to their legitimate use. The Court of Directors and the Government have, I believe, both concurred in the opinion that the decisions of this Commission should be viewed as *final*, and it certainly seems to me that they should be so, from considerations both of policy and justice. If I am correct in these views, it seems very desirable to point out to Government not merely the great risk, but (it may, I think, be safely stated) the positive *certainty*, as matters at present stand, of a large portion of the revenue being permanently alienated to persons possessing no title whatever, and who in many cases have obtained possession by fraud, and have hitherto successfully evaded inquiry by the same means, *i. e.* the concealment of all accounts of the late Government.

"6. The above must be the inevitable result of many of our decisions, unless Government see fit to invest us with power sufficient to ensure the production of *all existing accounts of the late Government.*

"P.S.—Since writing the above, I have learnt that the accounts of the customs received from the Deshmook family at the introduction of the British rule amounted to about *eleven bundles,* which have been up to this day preserved among the old records in the Duftur palace at Poona. The accounts referred to in the 4th paragraph as received from the said family by Captain Gordon, in March last, amount to about *three hundred bundles.*"

40. The Inam Commissioner, Mr. Hart, in submitting this report to Government, pointed out that these very accounts, had they not been then concealed, would, in all probability, have afforded the means of reducing the large sums just before paid as compensation to individuals asserted to have been losers by the abolition of transit duties. Mr. Hart said:—

"2. As the recovery from Chinto Punt Deshmook's family of the custom accounts referred to by Captain Cowper was not effected until after the close of the operations of the Claim Commission (lately conducted by Mr. Rose) in the Deccan, and, therefore, not in time to obviate any of the mischief which may have been occasioned by Mr. Chaplin's failure to obtain these accounts, the probable depository of which was pointed out by Sir Henry Pottinger, I should not have considered it necessary to bring Captain Cowper's letter to the notice of Government were it not for the facts pointed out in its 5th and 6th paragraphs as applicable to useful Government records of all descriptions.

"3. As, however, I hope to be soon in a condition to submit some further suggestions on the point indicated in Captain Cowper's 6th paragraph, I think it right to lay at once before Government for their consideration the facts brought forward by Captain Cowper."

41. On the 20th of November 1852 I reported a case in which an immense number of accounts of the Peshwa's Government, the existence of which had been previously denied to the officers of the Inam Commission, were discovered to have been almost immediately afterwards sold by the son of one of the privileged classes to grocers and fire-work makers in the city of Poona, as waste paper. Several *sack-fulls* of these accounts were recovered, but a much larger number turned out to have been destroyed, as no less than two hundred and sixty pounds weight, equal to many thousands of these valuable documents, were found to have been purchased by a grocer for Rs. 24, and to have been used by him in packing up articles sold at his shop. I quote below paragraphs 15 to 17 of the report submitted by me on this occasion:—

"15. As the law at present stands, the concealment and sale of these

records by Mahadeo Rao Gunesh Kanuray does not, I believe, constitute any offence. I have, however, thought it my duty to carefully record my proceedings as above reported, believing it desirable to place the matter in the clearest possible light before Government.

" 16. I have already on more than one occasion become cognisant of facts tending to prove beyond the possibility of doubt the systematic concealment of accounts of the late Government which has prevailed since our occupation of the country; and the *hundreds of thousands* of these accounts which I have been able to obtain during the last few months shows the system to be still in full force; while we now find that their wanton destruction is deemed preferable to rendering them to Government.

" 17. Withholding or falsification of village accounts of our own Government is severely and summarily punishable by the Regulations,* although the injury in such case can scarcely ever, I believe, amount to more than a temporary loss, either to the State or to individuals. But withholding, concealment, and destruction of similar accounts of the late Government are acts which the law has as yet failed to recognise as criminal, although it is difficult to view them as otherwise, if judged by their results, which are most injurious, involving in the case of the State a *permanent loss of revenue*, and in that of individuals and families a *transfer in perpetuity* of property from the rightful owners to persons without title, many of whom have obtained and kept possession by downright fraud."

42. On the 1st of November 1852 I reported the result of my endeavours to collect the old records in existence in the three northern districts of the Poona Collectorate, in which I had succeeded in obtaining from nearly *four hundred persons* a great many thousands of valuable documents found in *seventy different villages*. How much, unfortunately, remained to be done, which, owing to the defective state of the law, I could not have attempted with any chance of success, was reported in paragraphs 6 and 7, below transcribed, of my letter to the Inam Commissioner :—

" 6. In a very large number of cases throughout these districts, the accounts were withheld and concealed, and although I succeeded in obtaining many, I feel satisfied that not one-tenth part has been collected. I will here mention one case—that of the Warreh Deshpandeys, from whom I have scarcely been able to obtain a single useful account, although they ought to have, and I doubt not have in their possession thousands;—they are the hereditary accountants of a district containing nearly *a hundred villages*.

" 7. This state of things is much to be regretted, and seems to demand early and serious consideration: no remedial measures will, I believe, prove

* " Regulation XVI. of A. D. 1827, and Act XI. of A. D. 1843."

effectual which do not provide a punishment of severity sufficient to deter others from committing the same offence. The law, which at present severely punishes* any person withholding a few hundred rupees from their lawful owner, does not apparently even recognise as an offence the withholding of accounts of the late Government, worth ten times the amount, and yet such documents most surely come under the denomination of property, of which the State must be the lawful owner."

43. On the 6th of December 1852 I submitted a general statement of the revenue accounts of the late Government collected in the city of Poona alone, where upwards of two hundred persons had been found in possession of them, in some cases in enormous numbers. It will convey some idea of the state of things under which the public revenue has suffered, to state that between fifty and sixty thousand valuable public accounts must have been found in this one city. The Inam Commissioner, Mr. Hart, when reporting these circumstances to Government, drew special attention to the evidence afforded by them "of the *universal withholding* of accounts from Government, seeing that notwithstanding the efforts made by the Commissioners in the Deccan who resided on the spot, and by Captain Robertson and successive Collectors of Poona, so many Dufturs should have still remained to be obtained."

44. On the 6th of December 1852 the Inam Commissioner reported to Government the following glaring instances of fraud on the part of hereditary officers :—

"In one small division, a Mahalkuree's Péta of the Havélee Talooka in Poona, no less than twenty-four Dufturs, *concealed by Government servants who hold Wutuns for their service,* have been attached in less than one month.

"2. These Wutundars are also shown to have so far abused the influence which their position gives them over the Ryuts within their districts, as to have prevailed on the latter to assist them in their fraudulent withholding and concealment of old accounts and other records."

45. Towards the end of 1852 an exceedingly valuable collection of accounts of the Peshwa's Government was found in the possession of a Sirdar of the Second Class of Privileged Persons, and holding, also, the highly responsible situation of Native Judge (Moonsiff). How very much stringent legislation is required, and how very little is likely, or, indeed, possible to be effected without it, may be correctly inferred from what occurred on this occasion. As observed to Government by the Inam Commissioner, Mr. Hart,—

"It might be legitimately expected, therefore, that in any matter in which

* "Regulation XIV. of A. D. 1827, Chapter VI. Section XI."

the interests of Government were concerned this favoured individual would afford his ready co-operation."

He did, however, nothing of the kind : he had for thirty-five years concealed and withheld public records of a nature specially required by the Government ; he continued to withhold them for many months, in spite of the public notices promulgated by the officers of the Inam Commission ; and when at last they were discovered and attached, he endeavoured to free himself from blame by falsehoods so gross and palpable that Government, on learning the whole of the facts of the case, resolved that he should be debarred from promotion in the Judicial Department (Chief Secretary's letter No. 1233, dated the 19th March 1853). It is evident that it was merely owing to this man's position that Government were able to do anything in the matter,—it was only as a Government servant that he could be punished. It is here that the want of any provision whatever is so severely felt, and this must remain the case until the act of concealing public records, *by whoever committed*, shall become an offence punishable by law.

46. On the 25th February 1853 I reported the discovery of a valuable set of accounts of the former Government in the hands of the Furnavese of the family of Naro Babjee Nuggurkur, who at one time held under the Peshwa, on one tenure or another, the greater portion of the districts now composing the Ahmednuggur Collectorate. I specially brought to notice the fact of the accounts thus withheld from the Government having been openly made the subject of private traffic, one of them having been lent for a hire of Rs. 15 to be produced in evidence in the Collector's department in a dispute regarding the boundaries of one of His Highness Sindia's villages, the Patel of which had obtained this public record on the payment of the sum aforesaid, and on further executing a penal bond for *two hundred rupees*, to be paid by him in the event of its loss, injury, or non-return to the person who ought thirty years previously to have made it over to the officers of the British Government. In closing my report I observed,—

"8. Were these concealed and withheld accounts of the late Government intended to be brought forward in support of claims now being, or about shortly to be inquired into by the Inam Commission, there would be comparatively little to object to ; but this is far from being the case : all past experience justifies the belief, and leads inevitably to the inference that they may, and probably will be made the means of re-agitating, at some distant period, claims the *final* settlement of which is, I believe, one of the primary objects of Act XI. of 1852."

47. Apart from the foregoing considerations, it is doubtless a great public grievance that a comparatively small number of individuals should be allowed

to retain the power, by a grievous abuse of their official position, of forcing the community at large to hire or pay for evidence in their favour afforded by these public records, which they have a legitimate right to obtain free of expense, and which they would be able thus to obtain were the documents in their proper places among the archives of Government.

48. During the past year attempts have been made to obtain possession of the accounts of the former revenue management of the districts composing the large Collectorate of Ahmednuggur, the amount of the alienated revenue in which is excessive, although there is every reason to believe it unusually capable of reduction, could the genuine accounts of the Peshwa's Government be obtained from the persons who now withhold and conceal them. A large number of these documents have been collected, and yet, comparatively speaking, the attempt must be pronounced a failure; for, added to universal concealment, the hereditary officers have now adopted the plan of removing these public records, by cart-loads, below the Ghauts and elsewhere into districts to which the provisions of Act XI. of 1852 do not apply.

49. Not many months have passed since, on receiving good information of the existence of an exceedingly valuable collection of accounts relating to the greater portion of the Peshwa's dominions, and on being further informed that the whole of these accounts were concealed in the Konkun, I applied to one of the Collectors to assist me in their recovery, and was informed by him that he could do nothing of the kind, the law not providing for it. Now as the law applicable to those districts makes no special provision whatsoever for the recovery of public records in the hands of individuals, it follows, as a matter of course, that what occurred with regard to the particular records named by me must affect not only them, but also every account of the previous revenue management of the whole of the Konkun and Guzerat, which may be in the hands of the hereditary officers and others. Indeed, there is no doubt whatever that such is the case; for every report which passes through my hands from these provinces (the Konkun and Guzerat) tends to prove the existence of unauthorised and fraudulent alienations to an enormous extent, while at the same time scarcely a single claim, the admissibility or otherwise of which depends solely on the evidence afforded by the village or other accounts, for the custody of which the hereditary officers are so largely paid, can be tested, as these accounts are never forthcoming. Their existence is denied in the most barefaced manner, and, in so far as I have been able to ascertain, evidence is always given, or,—what amounts to the same thing,—the deficiency of the law obliges the deceived Government officer to act just as if credence was given by him to these assertions, and claim after claim has been recommended for recognition by

Government, the utter groundlessness of which could have been clearly proved by the accounts lying in hundreds in the houses of those whose worthless oral evidence was accepted.

50. I believe the evil which I have been endeavouring to describe to be one affecting the public interests more seriously in the province of Guzerat than in any other portion of the Bombay Presidency. The land alienations alone in the four Collectorates of Guzerat were shown by the Revenue Commissioner, on the 19th May 1848, to amount to nearly *thirty lakhs of rupees*, and to this enormous amount much, I apprehend, remains to be added, coming under the head of political charges. But besides the land alienations, the public revenue is burdened with cash payments to an extent unknown elsewhere. In one Collectorate alone, that of Surat, nearly *one lakh and a half of rupees* are annually paid to the recipients of what are called "Tora Girass" allowances.

51. Collector after Collector, and Revenue Commissioner after Revenue Commissioner, have pointed out the enormity of these Guzerat alienations, and expressed their decided conviction that by a thorough inquiry they could be greatly reduced, there being an unusually large amount of unauthorised and invalid holdings. But it is especially necessary to bear in mind that no such thorough inquiry can take place excepting by means of those revenue records of the former Government which are at present in the hands of the hereditary officers and others, and in whose hands they must remain, unless effectual measures shall be adopted for their recovery.

52. The partial acquisition of these public records in the three Deccan Collectorates has entailed upon the State a considerable expenditure (see paragraph 64 of this letter), incurred for the most part in collecting documents in the hands of persons in the receipt of hereditary stipends, granted to them on the express condition of their keeping in safety, and producing whenever required to do so, the very accounts which they have concealed and withheld. The demoralising effect which the continued and unchecked existence of such a state of things must exercise upon more than one important branch of the public administration is obvious, and will, I doubt not, have great weight with the Government in determining the measures required for the suppression of the evil.

53. Having now endeavoured to afford all the explanation essential to a correct appreciation of existing defects, I will proceed to describe the measures by which these defects may, as it appears to me, be remedied.

54. One of the greatest defects in the law as it at present stands appears to be the absence of any specific provision whatever for searching for concealed public records. Whether this has arisen from oversight cannot now be ascertained. Probably not, however; for it may be, and it seems exceedingly likely, that the framers of the Regulations of A. D. 1827 intended and con-

sidered that public accounts thus fraudulently withheld and concealed—those of former Governments as well as those of the present—should be viewed and treated as stolen property; and it is, I think, greatly to be regretted that this course has not been from the commencement adopted. But however opinions may differ on this point, they must, I imagine, agree as to the necessity of the prompt recovery of these State records by some means or other. In the six Collectorates to which the provisions of Act XI. of 1852 apply, although much has been done, much more remains which is never likely to be effected under the existing law, while in the remaining Collectorates nothing has ever been attempted, although without these accounts any endeavour to reduce the amount of unauthorised and fraudulent alienations, and to place titles on a sure foundation, must, from the causes already described, inevitably result, as has hitherto been the case, in failure.

55. In the Madras Presidency, this important matter is provided for by Section IX. of Regulation IX. of A. D. 1822, under the provisions of which a Collector, on receiving information on oath that revenue accounts have been fraudulently concealed, can issue a search warrant for their discovery.

56. The foregoing, with a little modification, would meet all the requirements of this Presidency. The power vested in the Collector should also be entrusted to the officers conducting an alienation inquiry, and there is one provision in Madras—that at the time of search a full and perfect list of all papers found shall be made out in duplicate on the spot—which, if enforced here, would be tantamount to prohibiting the search altogether. Indeed, unless concealed accounts in Madras are infinitesimally less in number than in Bombay, I am at a loss to understand how the law can be carried out there. But however this may be, it is certain that no lists can be made during or immediately after the discovery of public records, found, not in tens or twenties, but generally in thousands, and sometimes, as in the case of Janoba Deshpandey, reported in paragraph 25 of this letter, in hundreds of thousands. To make a complete list of that Deshpandey's Duftur would have occupied a large establishment of writers for several months; and yet such an unusually valuable collection of public accounts must be the one which of all others it is desirable to obtain.

57. The Madras Code specially provides for the punishment of hereditary officers "knowingly and wilfully falsifying, destroying, or *concealing** public accounts"; the offenders in such cases being liable to "imprisonment for a period not less than one year, nor exceeding five years, and with or without hard labour."

The facts herein stated suffice, I apprehend, to demonstrate the extreme want in this Presidency of such a Regulation as the foregoing, which, had it

* *Italicised* by the Inam Commissioner.

existed, might have gone far towards preventing the great abuses which have prevailed in it literally almost without a check.*

58. But of all the measures likely to prove effectual, that of holding the emoluments of each hereditary office (Wutun) liable, *as a whole*, to be for ever forfeited, is, I am satisfied, the one which, on grounds alike of expediency and justice, should be adopted. To quote from the report of progress submitted by me two years ago :—

"56. At first sight, such confiscation may appear unnecessary; but I see no other remedy which offers any prospect of success. When it is remembered that these Wutuns follow the Hindoo law of inheritance, and that each share becomes in every succeeding generation smaller and smaller, it seems evident that to deal with such infinitesimal portions of the emoluments would be worse than useless, and would only perpetuate the state of things under which inquiry has hitherto been baffled; and when it is borne in mind that the express duty for the performance of which these Wutuns were originally granted and are now held is that of keeping and producing the *public* accounts, to withhold these documents for the purpose of defrauding the public revenue becomes an offence for which such confiscation seems a light punishment."

59. To carry out the measure suggested in the last paragraph, it would suffice to enact that after a certain date, to be declared by proclamation, the discovery of any account of the revenue management of the former Government in the hands of *any* district or village hereditary officer, or the discovery of any such officer having, directly or indirectly, concealed or withheld any such account, should entail the confiscation of the *whole* of the Wutun or other emoluments held from the State.

60. It still remains to provide for the concealment of public accounts by others than the hereditary officers, and for the successful concealment, in spite of all punishment, by the hereditary officers themselves. This is an object of the last importance; for as I long ago pointed out in the report of progress from which I have already quoted, there is a complete "certainty that as long as these public records remain withheld from the Government, and in the hands of private individuals, so long can there be no *finality in any decision* passed by this or by any other Commission: as surely as the opportunity will arrive at a future day to bring forward new and to revive invalid claims, so surely will these withheld accounts be produced in support of them; and as long as they thus remain in existence, so long will they furnish the means of litigation of every description."

* Such measures as those described in paragraph 7 of this letter can seldom check, and certainly never put a stop to these abuses, to deal with which so leniently is in too many cases to encourage them.

61. Public accounts which, in spite of all endeavours to recover them, may remain concealed and withheld should, I think, be rendered useless for all purposes of vicious litigation and fraud by an enactment declaring all accounts of the revenue management of the former Government produced after a proclaimed date in any court in the Presidency, by any person or persons not acting under authority from or on behalf of the British Government, not receivable in evidence in support of any claim upon, or connected with the public revenue.

62. The acquisition of correct and complete accounts of lapsed Surinjams and other alienated holdings is equally essential to the protection of the public revenue; as in the absence of these documents not one of the numerous claims to Inams and allowances of various descriptions, which on the lapse of an estate are invariably put forward, can be tested, the alternative being, generally speaking, the permanent alienation of the public funds to persons possessing not the shadow of legitimate claim upon them. Government have already determined (Chief Secretary's letter No. 3421, dated the 4th August 1853) upon making the grant of pensions in these cases dependent upon the honest delivery of all the old accounts, and this is, perhaps, as much as can well be done in the matter. But these orders, to be effectual, and even to be equal in their operation, require to be carried out with invariable strictness. Cases have already occurred in which the warning of Government has been set at nought, and in which not a single account has been obtained where thousands ought to be forthcoming. *One case of this sort in which Government may, on whatever grounds, relax the rule laid down,* goes very far to render it altogether inoperative. Such decisions of Government are carefully watched and made known in all quarters to the parties likely to be affected by them, and these parties regulate their proceedings accordingly.

63. I have now endeavoured to fulfil the instructions of Government, and I trust I have done so completely. I have assuredly not overstated the case; indeed, had space permitted, I could have multiplied instances to almost any extent, and I could have shown the pernicious, though indirect working of the present system in many other respects. I believe the question which Government have now to consider to be one which, from every point of view, demands prompt and decisive action. Even were there nothing else to call for effectual legislation, urgent cause exists in the ruinous litigation, and with it a great amount of forgery and perjury, which the retention of public records in private hands tends directly to encourage.

64. But I must also show how the working of the Inam Commission has affected, and is likely to affect the public revenue, the relief of which from unauthorised and fraudulent alienations must be an important consideration,

though it was not the primary object* with which the Commission was established. Its financial results as regards the Deccan Collectorates, into which it was introduced in 1852, were shown in paragraph 13, below quoted, of my progress report for the year ending 30th April 1854:—

"13. The results afforded by these tables are,—

"1*st.*—That while only Rs. 81,698-9-0 have been altogether expended on account of this portion of the Inam Commission, the recovery of public revenue effected has amounted to Rs. 1,22,913-1-1, thus exceeding the expenditure by one-half.

"2*nd.*—That deducting from the above expenditure Rs. 40,995-4-1 expended in collecting and arranging for use the accounts of the late Government, the recoveries amount to three times the sum expended. [See paragraph 52 of this Memorandum.]

"3*rd.*—That the addition to the *permanent* revenue of the country which either has been made, or will be made at the death of the present, or in a few cases of the next succeeding incumbents, amounts to Rs. 78,698-15-10, or to very nearly the whole sum which this branch of the Commission has hitherto cost.

"4*th.*—That deducting the large amount expended in the collection of the accounts of the late Government, there has been, or will be an addition to the *permanent* revenue of the country of nearly *double* the sum already expended." (See paragraph 52 of this Memorandum.)

65. It is not, of course, to be expected that the recovery of public revenue can continue to bear this proportion to the expenditure on account of the Commission; but it is nevertheless, I think, sufficiently clear that were the Commission to work for some years to come without effecting a single additional recovery, it would still have been productive of financial improvement. There is, however, no chance of this occurring, as the number of improper alienations yet to be adjudicated is very great, while in Guzerat their amount is, as I have explained (paragraph 50 of this Memorandum), enormous.

66. It surely can be matter of no surprise that under the circumstances now brought to notice so little should have been done in this Presidency towards the reduction of the excessive alienations of public revenue, with regard to which a modern writer has well observed†:—

"It is utterly incredible and impossible that so many as now exist were ever permitted at any one time under any one Native Government; for as such alienations are under Native Governments perfectly arbitrary and dis-

* Declared by the Honorable Court of Directors and the Government to be not so much to recover revenue as to place titles on a sure foundation.

† Campbell's "Modern India," page 371.

cretional, there is a constant succession of them, old ones being resumed and new ones granted."

67. I believe the foregoing passage to describe the condition of the alienated revenues of this Presidency with a correctness which could not have been exceeded had every fact on official record been within reach of the writer, who has enunciated an equally sound principle with regard to these alienations in his energetic protest* against the Government being deprived of the power of "inquiring whether they are what they pretend to be or no; why we should have to pay not only our own expenses, but those incurred by Native Governments, for purposes not now required; and especially, why we should let these 'vested rights' mount up to a sum which it is incredible that any Native Government would have permitted."

68. I should fail to present to Government what I believe to be a complete statement of the case, did I omit to place before them my strong and deliberate conviction that it would be far better at once to put a stop to all inquiry whatever, and to recognise every existing alienation, than to continue an investigation while four-fifths of the documentary evidence upon which alone it can be properly based, and in the absence of which no decision can be final, remain in the possession of the persons who, of all others, have the strongest possible personal interest in baffling and impeding it.

69. Should Government agree with me in deeming a legislative enactment required, I would suggest that I should be authorised to communicate on the subject with the Remembrancer for Legal Affairs.

I have the honour to be, &c.

(Signed) T. A. Cowper, Captain,
Inam Commissioner Northern Division.

Minute by the Right Honorable the Governor, *dated 3rd November* 1855, *subscribed to by the Honorable Messrs.* Lumsden *and* Malet.

Captain Cowper in the above report has very clearly shown that in the Deccan, Khandeish, and Southern Muratha Country, there has existed ever since our acquisition of those provinces a regular system of concealment, on the part of district and village officers, of the public accounts which, under the form of revenue administration established by our predecessors, it was their special duty to record, and for the safe custody of which they were responsible.

2. He has shown, moreover, that all the attempts formerly made, soon after the succession of the British Government, by its officers, to secure the

* Campbell's "Modern India," page 372.

possession of these valuable accounts, were evaded on all sides, and unattended by any result of importance. In like manner subsequent endeavours to obtain these accounts, of the concealed existence of which the local authorities had from time to time strong reasons to be suspicious, were similarly fruitless.

3. A considerable measure of success has, however, attended the energy and tact with which Captain Cowper has recently carried out the instructions of Government to the Inam Commission to take possession of the various old accounts required for the operations of the Commission.

4. Bad as matters are in the Deccan, Southern Muratha Country, and Khandeish, there is much reason to apprehend that they are still worse in the older provinces of this Presidency; and it is certain that the serious difficulties met with in recovering Government records in the former will be found even more formidable in the latter. The enormous alienations of land, and the large amount of money stipends payable from the public treasury in Guzerat, make it the more desirable that Government should be armed with some efficient means of protecting the public interests from the frauds by which they have been so deeply injured, and His Lordship in Council is of opinion that the only means of checking such frauds for the future, and of detecting those that have been already committed, is to be found in the public accounts now alleged to be withheld and concealed by district and village officers.

5. It would appear that under this Presidency neither the revenue nor the magisterial authorities have power to cause a search to be made for concealed public records, nor is the concealment of such records punishable under any existing law. In the Madras Presidency a Collector is empowered, under Section IX. of Regulation IX. of 1822, to search for public records on information being laid on oath; and under Clause 2nd, Section XVIII. of the same Regulation, the concealment of public accounts is punishable in that Presidency by imprisonment for a period not less than one year, nor exceeding five years.

6. The Right Honorable the Governor in Council considers that under these circumstances it is not only expedient, but also absolutely necessary to apply to the Legislature for an enactment which shall provide for the following objects:—

1*st.*—The declaring the accounts kept by district and village officers, as well as all other accounts of the public revenues, whether under the present or former Governments, the property of Government alone; thus making the withholding of such property, or concealment of the same, punishable as a breach of trust on the part of any district or village officer, and their appropriation or concealment by others a theft, or a receiving of stolen goods.

2*nd.*—The empowering a Magistrate to give a search warrant on receiving credible information of any accounts of the public revenues being withheld or concealed.

3*rd*.—To empower Government at its discretion to confiscate the whole or any portion of a Wutun, any sharer in which shall knowingly withhold from Government on demand any records of the present or former Governments in his possession.

4*th*.—The exclusion from our civil courts, as evidence (except in favour of Government), of all accounts of the revenue management of former Governments after a specified date, unless such accounts are in the possession of an officer who may have been specially appointed for the custody of such accounts by Government.

7. Copy of Captain Cowper's Report and of this Resolution should be forwarded to the Honorable Company's Acting Solicitor, with instructions to prepare and transmit to Government, through the Inam Commissioner Northern Division, the draft of an Act providing for the objects above specified.

(Signed) ELPHINSTONE.
„ J. G. LUMSDEN.
3*rd November* 1855. „ A. MALET.

Minute by the Right Honorable the GOVERNOR, *without date.*

There can be no doubt that an enactment of this kind is urgently required, and that Government and private individuals are defrauded by the concealment of old records and title-deeds, which is still practised in this Presidency to an extent which appears almost incredible, and with perfect impunity. The only provision in the proposed enactment which appears at all questionable is that which makes all the sharers of a Wutun answerable for the concealment by one of their number of the Government records in his possession. This provision is, however, less liable to objection than appears at first sight; for the Wutuns which may thus be attached were granted originally on account of the safe custody of the Government records, which the Deshpandeys were bound to produce whenever they were called upon to do so. The Wutun may fairly be resumed when the condition upon which it was granted is eluded, and the object of the grant frustrated; and although at first it seems rather hard to punish a man who is not himself the custodian of these records, for their concealment, yet it is presumable that every sharer in a Deshpandey's Wutun has some notion of the existence of the documents, for the preservation and safe keeping of which the Wutun was originally created; and if each sharer feels that he has a personal interest in their being delivered up, it is not likely that many Dufturs will be withheld. I have thought it right to explain the grounds upon which I think that this provision, which at first sight seems rather a stringent one, may be

upheld, and which have led me to agree to Captain Cowper's proposal in its entirety.

(Signed) ELPHINSTONE.

Minute by the Honorable Mr. J. G. LUMSDEN, *dated the 4th November* 1855.

These observations appear to me to be founded on justice. The Wutun is held on certain conditions. To the observance of these conditions all are alike bound; and it is difficult, if not impossible, to separate the acts of one co-sharer from those of another, in respect to the fulfilment of these conditions. The failure of one, the representative of all, binds all. It might be desirable to make provision for securing the rights of any co-sharers who became instrumental in the production of State accounts which had been concealed by members of their family.

The Act, however, should be carefully worded, or it may tend, from fear of consequences, to the destruction of many old records still (fraudulently, perhaps) preserved, and which it is our object to recover.

(Signed) J. G. LUMSDEN.

4th November 1855.

Extract Paragraph 64 *from a Despatch from the Honorable the Court of Directors, dated* 12*th December, No.* 27 *of* 1855.

64. With reference to the belief entertained that public records are withheld by this and other families, and are even made an article of traffic for the prosecution of claims on the public revenue, we approve your having directed Captain Cowper to consider and report whether it be not possible to defeat this intention, either by legislative enactment, or by the promulgation of rules

3. Death of Neelkunt Rao Yeshwunt Nuggurkur. His Surinjam (No. 26 of Class II., valued at Rs. 4,149-0-13) continued as a life-grant to his eldest son, Gunput Rao.

of Government, depriving of all weight, in the prosecution of claims, records not produced or given up within a certain date, or which have remained even accidentally in concealment. As you justly remark, there can be no finality in decisions, and no protection even against perjuries, if a period be not fixed, within which proofs must be adduced and claims prosecuted.

No 811 of 1856.

Territorial Department, Revenue.

To W. Howard, Esq.,

Remembrancer for Legal Affairs.

Sir,—I am directed to forward to you the accompanying draft of an Act prepared by Captain Cowper, Inam Commissioner Northern Division, after consulting Mr. L. Acland, late Honorable Company's Acting Solicitor, for the purpose of providing " for the recovery of all public accounts and documents relating to the public revenue in the possession of, and improperly withheld by individuals," and to request that you will favour Government as soon as possible with such observations and suggestions thereon as may appear to you called for.

I have the honour to be, &c.

(Signed) H. Young,

Officiating Chief Secretary to Government.

Bombay Castle, 12*th March* 1856.

No. 32 of 1856.

To H. Young, Esq.,

Officiating Chief Secretary to Government.

Sir,—I have had the honour to receive your letter dated the 12th March, No. 811 of 1856.

I have had the opportunity of going over the draft Act with Captain

Cowper, and now, with his concurrence, beg to hand up an amended draft, in the place of the former one.

I have the honour to be, &c.

(Signed) W. HOWARD,
Remembrancer for Legal Affairs.

Bombay, 8th April 1856.

An Act to provide for the Recovery and Protection of Public Accounts, and Documents relating to the Public Revenue, within the Bombay Presidency.

WHEREAS great numbers of the public accounts, and records kept during the time of the Native Governments, relating to the management of the public revenue, have remained up to the present time in the hands of the hereditary officers and others, and the retention thereof has occasioned great loss to the State, and to persons having just claims thereon, and has very much encouraged litigation, and the commission of forgery and perjury, and has led to great extortion being practised on private individuals; and whereas all such accounts and documents ought to be delivered up to Government, and it is expedient to make some further provision for the protection of the public records relating to the public revenue; It is hereby enacted as follows:—

I. All accounts and documents in any way relating to the management of the public revenue under the present or any former Government, now in the possession or control of any hereditary officer or other person not duly authorised by the present Government to retain possession of the same, shall be delivered up to the officers of Government as hereinafter mentioned.

II. The Governor in Council shall, by proclamation in each district, according to the form usually observed in public notifications, name the officers of Government to whom the documents mentioned in the preceding Section are to be delivered up; and all persons having any such accounts or documents in their possession or custody, and bound under this Act to deliver up the same, shall deliver up the same to some officer named in such proclamation within three calendar months from the day on which the same shall be issued.

III. Any person who, from and after the expiration of the three calendar months aforesaid, shall knowingly and wilfully retain or conceal, or assist in retaining or concealing any such account or document as aforesaid, shall be liable, on conviction before a Magistrate or other public officer authorised by the Bombay Government to investigate offences under this Act, to a fine not exceeding Rupees 500, or to imprisonment with or without hard labour not exceeding twelve calendar months, or to both those punishments.

IV. Any person not duly authorised as aforesaid, who shall be found in

the possession of any such account or document at the end of three calendar months from the day on which the proclamation shall be first issued, shall be held to have been guilty of knowingly and wilfully retaining or concealing the same, unless he can otherwise account for his possession of the said account or document to the satisfaction of the trying authority.

V. It shall be lawful for any Magistrate or other officer authorised by Government to investigate offences under this Act, on receiving credible information that any such account or document as aforesaid is in any house or other place, to issue an order for the entry and search of such house or other place, and to take possession of such account or document: provided always that dwelling-houses shall not be so entered and searched between sunset and the ensuing sunrise without urgent occasion.

VI. It shall be lawful for the Government to direct the confiscation of the whole or any portion of the Wutun or emoluments of any hereditary district or village officer, on any sharer in such Wutun or emoluments being convicted before any Magistrate or other officer duly authorised by Government to investigate offences under this Act, of having concealed or denied the existence of any such account or document as aforesaid, afterwards found in his possession, or found concealed with his knowledge, or under circumstances of which he was in his official capacity bound to have cognisance: provided always that the share of any co-sharer, on whose information, given to any officer of Government, the recovery of any such account and document may have been effected, shall not be so confiscated.

VII. From and after the issuing of the proclamation mentioned in Section II. of this Act, no account or document as aforesaid shall be received as evidence in favour, or in support of any claim upon the public revenue, in any court of law or before any tribunal or authority competent to adjudicate such claim, unless produced by, or from the custody of some officer of the existing Government duly authorised to have the custody thereof.

VIII. Government may order the payment, to any person giving information leading to the recovery of any such account or document as aforesaid, of a sum not exceeding half of the amount of the public revenue for one year recovered exclusively by means of, or on the evidence afforded by the account or document recovered as aforesaid.

IX. It shall be lawful for Government from time to time, by proclamation in the *Government Gazette,* to name the officers who are authorised to investigate offences under this Act.

X. Every person who shall destroy, or fraudulently remove from its proper place of custody, or misplace any account or document relating to the public revenue or the management thereof, with the intent that such account or document may not be produced in some judicial or other public investigation,

or to mislead the officer conducting such investigation with respect to its existence or the custody in which it has been kept, or in any other manner, shall be liable, on conviction thereof before a Magistrate, to a fine not exceeding Rupees 500, or imprisonment for a period not exceeding twelve calendar months with or without hard labour, or to both those punishments.

XI. Every person, in the employ of Government or otherwise, who shall without due authority allow access to, or disclose the contents of, or furnish any copy or extract of any account or document on the public records relating in any way to the public revenue, shall, on conviction thereof before a Magistrate, be subject to a fine not exceeding Rupees 100, or to imprisonment not exceeding three calendar months, or to both those punishments.

XII. In the construction of this Act, words importing the singular number shall include the plural, and *vice versâ*, and words denoting the masculine gender shall include the feminine.

No. 39 OF 1856.

TERRITORIAL DEPARTMENT, REVENUE.

To the HONORABLE THE COURT OF DIRECTORS,
For Affairs of the Honorable East India Company, London.

Dated Bombay, 28th April 1856.

HONORABLE SIRS,—In paragraph 64 of your Honorable Court's despatch in the Political Department, dated the 12th December 1855, No. 27, you communicated your approval of our having directed Captain Cowper, Inam Commissioner Northern Division, to consider and report on the measures to be adopted for defeating the object of parties in withholding public records, and their being made an article of traffic for the prosecution of claims on Government.

2. Prior to the receipt of your Honorable Court's despatch above quoted, we had before us a report from Captain Cowper (No. 876, dated 7th August 1855) suggesting measures for the attainment of the object referred to. A copy of this Report, with our Resolution thereon, we have the honour to forward, as we consider it desirable that your Honorable Court should receive immediate information upon matters so materially affecting the administration of this Presidency.

3. We have at present under our consideration draft of an Act which has been prepared by our Legal Remembrancer, in communication with Captain Cowper, providing for the recovery and protection of public accounts and documents relating to the public revenue within the Bombay Presidency. This

Act we intend shortly submitting to the Legislative Council of India, to be passed into law.

4. Our further proceedings on the subject will be reported to your Honorable Court in due course.

We have the honour to be, &c.

(Signed) ELPHINSTONE.
„ A. MALET.

Bombay Castle, 28th April 1856.

00110127

Digitized with financial assistance from

H T Parekh
FOUNDATION

An Initiative by
HDFC
WITH YOU, RIGHT THROUGH

on 27 November, 2018